

the second resolution, Mr. RAYNER, Mr. ALLISON, Mr. MORGAN, Mr. HALE, Mr. ALDRICH, Mr. TELLER, Mr. GALLINGER, Mr. ELKINS, Mr. MARTIN, Mr. TILLMAN, Mr. CLAY, Mr. SPOONER, Mr. KEAN, Mr. BAILEY, Mr. BLACKBURN, Mr. CLARK of Montana, and Mr. OVERMAN.

Mr. BAILEY. Mr. President, as a mark of further respect to the memory of Senator GORMAN, I move that the Senate do now adjourn.

The motion was agreed to; and (at 12 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 5, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, June 4, 1906.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday was read.

Mr. PAYNE. Mr. Speaker, I move that the Journal be approved.

The motion was agreed to.

PORT ARTHUR A PORT OF ENTRY.

Mr. BROOCKS of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes, with amendments.

The Clerk read the bill as amended, as follows:

A bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes.

Be it enacted, etc., That an additional collection district in the State of Texas shall be, and is hereby, established, to be known as the district of Sabine, to comprise all of that portion of the State of Texas formerly embraced in the district of Galveston and now hereby detached therefrom, beginning on the Gulf of Mexico at the center of the stream of Sabine Pass; thence north with the center of the stream of Sabine Pass to Sabine Lake; thence with the center of the stream of Sabine Lake to a point directly opposite to the Sabine River; thence north with the east shores of the Sabine River to the north boundary line of Shelby County, Tex.; thence west to the Neches River; thence down said river with its west shores to a north boundary line of Jefferson County; thence in a westerly direction with the said boundary line to the east boundary line of Liberty County, Tex.; thence south to the Gulf of Mexico; thence in an easterly direction along the Gulf shores to the place of beginning; that Port Arthur, in the county of Jefferson, shall be the port of entry for said district, and Sabine, in the county of Jefferson, shall be a subport of entry: *Provided*, That there shall be conveyed to the United States, free of cost, a valid title to the line of water communication between Taylors Bayou and Sabine Pass, known as the "Port Arthur Ship Canal," together with a valid title to the existing turning basin and to the slip known as slip No. 3 in Taylors Bayou, and to the artificial slip on which the lumber dock of the Port Arthur Canal and Dock Company is built, and there shall also be ceded by the State of Texas to the United States exclusive jurisdiction and sovereignty over said waterway, basin, and slips; and the Secretary of War is hereby authorized to accept the said waterways as the property of the United States upon the delivery to him of a clear and indefeasible title thereto and upon proof being furnished to him of legal cession by the State of Texas of jurisdiction and sovereignty as aforesaid; and the said waterways shall thereupon become free public waters of the United States, and be subject to the laws heretofore enacted and that may be hereafter enacted by Congress for the maintenance, preservation, protection, and regulation of navigable waters: *Provided further*, That the company or corporation conveying title to said canal as aforesaid shall also convey to the United States, free of cost, the fee to a strip of land 150 feet wide along the westerly margin of the canal, except that where the right of way of the Southern Pacific Railroad Company prevents the transfer of such strip of land along the westerly margin of said canal there shall be conveyed such strip on the easterly margin thereof as may be necessary to make up such 150 feet of width, with the reservation that until Congress shall have authorized and provided for the enlargement and widening of said canal the said company or corporation, its successors or assigns, shall have the right to control, occupy, and use the said strip of land and every part thereof in the same manner and to the same extent as before the execution and delivery of the conveyance, and also the right to transfer, lease, sell, quitclaim, or otherwise dispose of said property and every part thereof, subject to the grant made to the United States: *And provided further*, That the person or persons, companies, or corporations owning or controlling docks, wharves, or terminals in, along, or upon said canal, or in, along, or upon any basins, slips, or channels connected therewith, directly or indirectly, shall by valid contract agree that the charges for the use of said docks, wharves, and terminals shall be such as the Secretary of War may from time to time approve: *And provided further*, That this act shall take effect only when the foregoing requirements shall have been fully complied with to the satisfaction of the Secretary of War.

SEC. 2. That a collector for the district of Sabine aforesaid shall be appointed by the President, with the advice and consent of the Senate of the United States, who shall hold his office upon the terms and for the time prescribed by law for the like offices in other districts. The said collector shall reside at Port Arthur, the port of entry, and shall receive a salary of \$1,000 a year in addition to the fees allowed by law, the total compensation not to exceed in the aggregate \$3,000.

SEC. 3. That Sabine, in the State of Texas, shall be, and is hereby, made a subport of entry and delivery in the customs district of Sabine, and a customs officer, or such other officers, shall be stationed at said subport, with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require.

The SPEAKER. Is a second demanded?

Mr. KENNEDY of Nebraska. I demand a second.

Mr. BROOCKS of Texas. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. KENNEDY of Nebraska. I object.

The SPEAKER. The gentleman from Texas and the gentleman from Nebraska will take their places as tellers.

Mr. KENNEDY of Nebraska. I withdraw my objection, Mr. Speaker.

The SPEAKER. Is there objection to a second being considered as ordered?

There was no objection.

Mr. BROOCKS of Texas. Mr. Speaker, this is a bill which was introduced by myself early in the session to create a new collection district in southeast Texas and to establish a port of entry therein at Port Arthur. There have been numerous committee hearings upon this bill, and there has been so much printed matter in reference to it distributed among the Members of the House that the most of them, I should think, are somewhat familiar with the conditions at Port Arthur. The opposition at a hearing upon this bill before the Ways and Means Committee freely admitted that a port of entry was needed in that section of southeast Texas. Their only objection to this bill was that they wanted the port of entry at a different place. They wanted it established at Sabine instead of at Port Arthur. We have made ample proof, Mr. Speaker, that a port of entry is badly needed at Port Arthur. Instead of being an expense to the Government, a port of entry there would be a source of revenue for the Government. A city not more than 9 years of age has sprung up there and with it an immense business. The Government receipts for dues, clearances, etc., at Port Arthur for the year 1905 amounted to \$8,361.97. There is an immense shipping business done through the port. There are twenty-eight ocean-going ships which are owned by people who live in Port Arthur. Under the present conditions the owners of these ships are put to great inconvenience and expense from the fact that the masters of the ships have to go once annually in person to the collector of customs at the port of Galveston and once each time a ship changes from foreign to domestic trade.

The trip from Port Arthur to Galveston and back, including the time necessarily spent in Galveston in obtaining clearance papers, consumes three days' time, during a part of which demurrage is charged on the vessel. This business can not be transacted within less time by mail. Such delay is not only a very great inconvenience, but a great hardship as well upon the owners of the vessels. The exports from Port Arthur have increased year by year since the beginning of shipments through the canal leading out from that place to deep water at Sabine Pass. Within five years, from 1901 to 1905, inclusive, over \$40,000,000 worth of traffic has gone through Port Arthur. The post-office receipts in that city show a most healthful state of affairs, the amount of the same for the year ending June 30, 1905, being \$9,917.51. The city now has a population of between 5,000 and 6,000 people, with all the modern conveniences, including paved streets, waterworks, an ice plant, electric lights, etc. They have a large grain elevator situated there with a storage capacity of 500,000 bushels, three oil refineries with tremendous capacity, a rice mill, and many other very important industries; and the city is populated by people who are wide awake, intelligent, and energetic. They have spent their money freely in the establishment of the great industries mentioned, and having created by their enterprise an immense business, I think it but just that they should not be hampered by lack of facilities for handling the same.

There is a private canal leading from near Port Arthur to the Government's deep water at Sabine Pass. This canal is $7\frac{1}{2}$ miles long, 25 feet deep, and 183 feet wide. There is now being constructed by the Government a canal leading from the mouths of the Sabine and Neches rivers to the mouth of Taylors Bayou, at which point it will connect with said private canal. The owners of this private canal, upon condition that the bill now before the House is passed during the present session of the Congress, propose to cede the same, with its turning basins and slips, to the Government. They also obligate themselves to make valid title to the Government to 150 feet of land lying along said canal, provided the Government may determine hereafter to widen the same. These owners of the private canal were perfectly willing to retain ownership thereof and maintain said canal at its present depth, but made the alternative proposition to cede the canal to the United States that those who object to a port of entry being established upon a private waterway might no longer have ground for such objection. This occurs to me, Mr. Speaker, as most liberal action on the part of the owners of the private canal. Nothing could be more so. They feel the great importance to the business interests of Port

Arthur and the country tributary thereto of the establishment of the port of entry. I feel this great importance, too, and I may say that this feeling is shared by every Member from Texas in Congress, including our two Senators. My opinion is that a great majority of the people whom I have the honor of representing favor the passage of this bill; and I must think that, upon a careful consideration of the facts set forth in the committee's report upon it no Member of this House will dispute the fact that the showing made by Port Arthur in support of her claim will amply justify the House in passing the bill, and I trust there will not be any hesitation in doing so.

Mr. KENNEDY of Nebraska. Mr. Speaker, I yield to the gentleman from New York [Mr. PAYNE] such time as he desires.

Mr. PAYNE. Mr. Speaker, I find myself unable to agree to the wisdom or expediency of this proposed legislation. As is well known, I suppose, to the Members of the House, Sabine Pass is located on Sabine River, about 2 miles from the Gulf coast. The Government has built a fine harbor at the pass by dredging out the river and extending the works into the Gulf, so that they have a good flow of water and a good depth for large vessels. Sabine Pass has been a port of entry since 1838. Since that time a private corporation has built what is known as the "Port Arthur Canal." It leaves the Sabine River some 5 or 6 miles above Sabine Pass and extends up into the country from 5 to 6 miles to Port Arthur, located about 12 miles north of Sabine Pass. They have built a canal there drawing about 25 feet of water, with a width of about eighty-odd feet, I think, on the bottom and 110 feet on the top, and by means of that they have been able to take vessels up to Port Arthur, and a considerable commerce has grown up through this private canal. The reason that this city or village was started and this port established at Port Arthur grew out of rival real estate booms in Sabine Pass and Port Arthur. The excuse was given for it that a storm had swept Sabine Pass and destroyed considerable of the town—the same storm, I believe, which damaged Galveston so materially. It was claimed that that storm did not reach to Port Arthur, but this has been strenuously denied, as has almost every fact in the case, before the committee. There was not much of Port Arthur there to be destroyed at the time of that storm, as I recollect it. Now, they come in and ask us to make a port of entry at Port Arthur and to make it a collection district. Of course, I have been in favor of abolishing some of the collection districts and not adding to them. But every exigency of commerce, every public question, could be met in this case by making Port Arthur a subport and giving to that support the privileges of collecting duties and of clearing and entering vessels and all that sort of thing without adding the expense and trouble of a new collection district.

This proposed legislation met with an insuperable objection in the first place, because Port Arthur was at the head of this private canal. It was suggested, and after long consultation we had an offer that the Government should be invested with this private canal free of charge. Well, that struck some of the committee as being an offer that ought to be accepted, but they claim that the private canal as it is built cost \$1,300,000. Now, that canal is not at present sufficient to accommodate the commerce that is coming to Port Arthur at this time. It is not safe for two vessels to undertake to pass each other coming and going through this private channel as it exists today. They have to clear the canal from one end to the other before a vessel can start in the canal to reach the supposed harbor, which contains a basin about 200 feet wide at one end and 500 at the other and about 1,800 feet long, where the vessels have to be turned by tugs and where no two vessels can turn in this harbor at the same time without danger of being destroyed. Of course if we take this magnificent gift of \$1,300,000 worth of canal, it means that the Government is to improve it in the near future by at least doubling its width, and that fact struck the committee and those in favor of the bill so forcibly that they put into this proposed cession the right of way to dig out and double this canal, and these people who own the canal are to give us not only the canal, but are to give us sufficient land on one side of it to double the canal when we get ready to do the work, which means another \$1,300,000. It means additional improvements, it means dredging every year, estimated by the Engineer Department at the minimum of \$10,000. It means endless expense for the Government of the United States, and all for what? Why, in order that Port Arthur may be advertised throughout the world as a port at the head of a collection district, when, if you made it a subport, with the privileges that have been given to such places at Tacoma and Seattle, it would answer all the requirements of commerce, all the conveniences of the public, and all the interests of the United States.

Now, Mr. Speaker, that is the whole case in a nutshell. I do not believe in the bill. I do not believe in this kind of legislation; I do not believe in going in with these gentlemen in their land schemes and advertising such a place as Port Arthur at the expense of the Government of the United States. Some 40,000 acres of land, more or less, are held at Port Arthur by a private land company. One gentleman was conspicuously before the committee advocating this bill, and it turned out that he had got his interest in the land company within a year. It turned out that he was interested in the railroad company and in the canal company six or eight years ago, and yet he never thought of coming to Washington (although this bill had been before the committee for the last six or seven years), never thought of coming here to advocate the bill until after he got hold of part of this land scheme located at Port Arthur, and he has been numerous in and out, persisting day by day for the passage of this bill. I do not want to be a partner to any such scheme as that, and therefore I said in the committee that I was opposed to the bill, and I propose to vote against it to-day.

Mr. McMORRAN. Is it not a fact that the Committee on Ways and Means have recommended the passage of this bill?

Mr. PAYNE. Why certainly; it comes here on the report of a majority of the committee.

Mr. BROOCKS of Texas. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON of Ohio. Mr. Speaker, I do not care to be drawn into a controversy which is really nothing but a quarrel between two localities and between large and conflicting financial interests. Nevertheless, I am satisfied that the merits of the question lie with Port Arthur, and that this bill should pass. Port Arthur is the place where much the larger share of business now going through Sabine Pass is transacted and the prospect is that in the future the proportion transacted at Port Arthur will be even larger. Neither of these localities is entirely safe from cyclones or tidal waves, but of the two Port Arthur is much the safer, and it is a sort of general rule the world over that the farther inland a port can be reached by a convenient channel the farther inland it is located. I have twice visited this locality, and must say that in the year 1904, the date of my latest visit, Sabine Pass was as dead a place as I have ever seen.

Mr. KENNEDY of Nebraska. Mr. Speaker, I should like to ask the gentleman from Ohio how many feet above sea level Port Arthur is?

Mr. BURTON of Ohio. Where the village is, perhaps 4 to 6 feet.

Mr. KENNEDY of Nebraska. I will ask the gentleman whether or not Sabine is not higher—that is, the altitude greater?

Mr. BURTON of Ohio. A portion of it is, due in part to the deposit on the shore of the spoil from the dredged-out channel.

Mr. KENNEDY of Nebraska. But, as a matter of fact, taking it generally, Sabine is more elevated—more above the sea level than Port Arthur?

Mr. BURTON of Ohio. No; because there is an elevation at the town of Port Arthur the natural height of which is greater than at Sabine.

Mr. KENNEDY of Nebraska. I will ask the gentleman how far inland Port Arthur is?

Mr. BURTON of Ohio. The length of the canal is 7.2 miles. The distance inland is 12 to 15 miles. I am not able to state the exact distance.

Mr. KENNEDY of Nebraska. This port, which it is proposed to make a port of entry, is inland from the bay 12 miles.

Mr. BURTON of Ohio. Inland from the Gulf.

Mr. KENNEDY of Nebraska. And it is reached now by a private canal.

Mr. BURTON of Ohio. Which, by the terms of this bill, is to be turned over to the United States Government and which was constructed at a cost of perhaps a million dollars by private parties.

Mr. SULZER. One million three hundred thousand dollars.

Mr. BURTON of Ohio. Which, by the terms of the bill, it must turn over free gratis to the Government, provided it is made a port of entry.

Mr. KENNEDY of Nebraska. But it is true that at this time the canal, which is the only means of reaching Port Arthur, is owned by private parties.

Mr. BURTON of Ohio. At present it is.

Mr. KENNEDY of Nebraska. Can the gentleman state to the House what the cost of maintaining this canal has been each year in the past?

Mr. BURTON of Ohio. I do not know what the cost has

been in the past, because it has been under private control. The estimate made by General Mackenzie, chief of engineers, is that it would cost \$10,000 a year or thereabouts.

Mr. KENNEDY of Nebraska. So that if this private canal is ceded to the United States, the total cost of maintenance will be not less than \$10,000 per year, which will be saddled on the United States and added to the cost of maintaining that port?

Mr. BURTON of Ohio. Before answering the gentleman's question I will say that the question is not where the ground is highest, but where the business is transacted, and where it can be transacted most conveniently and safely. The answer to that is "at Port Arthur." As regards the \$10,000 a year, I will say, in reply to the gentleman, that with a commerce of considerable size it is really trifling. In response to the gentleman from New York [Mr. PAYNE], I would say that I do not anticipate that for many years to come it will be necessary to incur the expense of widening that canal. It is sufficient for present uses. If it is widened or must be widened, it will be because the business is greatly increased and would justify enlargement.

Mr. KENNEDY of Nebraska. Now, will the gentleman from Ohio answer the question I asked—that is, if the fact of making Port Arthur a port of entry will not be to place upon the United States Government the expense of at least \$10,000 per annum to maintain a private canal?

Mr. BURTON of Ohio. I have already answered that question, but will again answer it by saying yes; but that amount is trifling in comparison with the commerce involved. The expense of maintaining the pass below is probably \$50,000. Now, there would be very little commerce on the expenditure of that \$50,000 if it only reached Sabine Pass. The only justification for that expenditure at Sabine Pass to-day is the commerce at Port Arthur.

Mr. BURGESS. I would like to suggest to the gentleman from Nebraska in reply to his position that if this bill passes there will be saddled upon the National Government the expense of maintaining a private canal, and the answer to that lies in this—

The SPEAKER. The time of the gentleman has expired.

Mr. BURGESS. I will ask unanimous consent for two minutes, Mr. Speaker.

Mr. MANN. I object to unanimous consent on suspension day. Let the gentleman yield time.

Mr. BROOCKS of Texas. I yield two minutes more to my colleague from Texas.

Mr. BURGESS. The answer to the proposition of the gentleman from Nebraska lies in this. It is true that if this bill passes a private canal lying wholly within the State of Texas will pass to the Government, and of course the Government must of necessity assume the cost of its maintenance, but the last river and harbor bill carried an appropriation of \$411,000 added to a previous appropriation of \$125,000, making \$536,000 to construct a channel 9 feet deep leading from Orange and Beaumont to a connection with this canal along the west shore of Sabine Lake, and that we must maintain in the interest of commerce of those cities and localities, and this canal either ought to be ceded to the Government or the parties who own it will have the right under the laws of Texas to tax commerce flowing through it enough to maintain it. So I say it is better, it is right and proper that the Federal Government should take it over when it can get it for nothing and maintain it than to tax the commerce flowing through it to maintain it together with the difficulties that may arise from the maintenance of a part of a waterway under private ownership and part of a waterway under public ownership. If this bill is passed the whole waterway to the open sea will belong to the Government. It will be charged of course with its maintenance, but the commerce that flows through it will be untaxed and the whole people, not only the State of Texas, but of all the Northwest who ship down the Kansas City Southern out to the sea, will be benefited by it. That is the answer to the gentleman from Nebraska. [Applause.] And the fact that he hails from Nebraska, from the great wheat fields there that ship out through these lines to the open sea and the European ports ought to stop his mouth, and these facts which I have given, if they get into his head, ought to stop his mouth, and it is to the interest of Nebraska and Texas and all States tributary to this section that the bill be passed. That is the answer to the gentleman.

The SPEAKER. The time of the gentleman has expired.

Mr. KENNEDY of Nebraska. How much time has each side, Mr. Speaker?

The SPEAKER. The gentleman from Nebraska has ten minutes and the gentleman from Texas nine.

Mr. KENNEDY of Nebraska. The gentleman from Texas had

better take some time now. Mr. Speaker, if the gentleman from Texas does not desire to use more time, I do.

Mr. BROOCKS of Texas. I would like to hear from the gentleman from Nebraska.

Mr. KENNEDY of Nebraska. Very well, I will ask the gentleman from Texas what sort of a harbor there is at Port Arthur?

Mr. BROOCKS of Texas. I think there is a good harbor at Port Arthur.

Mr. KENNEDY of Nebraska. How large is it?

Mr. BROOCKS of Texas. Has not the gentleman read the statement of facts in the committee's report?

Mr. KENNEDY of Nebraska. The House has not time to read the statement of facts, and perhaps the gentleman knows.

Mr. BROOCKS of Texas. The committee's report is before the House, but I will say it is large enough to meet the demands of commerce, and there is an immense commerce coming through that port, I will say to the gentleman.

Mr. KENNEDY of Nebraska. I will ask the gentleman if it is not a fact that there is no harbor at Port Arthur except what has been dug there by artificial means?

Mr. BROOCKS of Texas. Mr. Speaker, some years ago the State of Texas changed its laws on account of severe storms immediately on the Gulf coast—

Mr. KENNEDY of Nebraska. I did not ask the gentleman for a speech. I asked him a question. [Laughter.]

The SPEAKER. Gentlemen must settle it among themselves. [Laughter.] The gentleman declines to yield further.

Mr. BROOCKS of Texas. I will answer the gentleman's questions specifically.

The SPEAKER. Does the gentleman yield?

Mr. KENNEDY of Nebraska. Oh, yes.

The SPEAKER. How much time?

Mr. KENNEDY of Nebraska. For an answer to my question.

Mr. SULZER. Mr. Speaker, I will say to the gentleman that during the past five years over \$40,000,000 worth of business was cleared from Port Arthur, and over \$14,000,000 was cleared for the last fiscal year. This is a most commendable bill and ought to pass at once.

Mr. KENNEDY of Nebraska. I am not asking the gentleman about the amount of business done there.

Mr. SULZER. I thought the gentleman wanted information.

Mr. KENNEDY of Nebraska. I do, on the point I am inquiring about.

Mr. SULZER. It appears to me the gentleman is trying to embarrass the gentleman from Texas because he is a new Member.

Mr. KENNEDY of Nebraska. I am a new Member, and it does not embarrass me.

Mr. SULZER. The gentleman apparently was trying to embarrass him, but appears to be embarrassed now.

The SPEAKER. Does the gentleman yield to a question?

Mr. KENNEDY of Nebraska. No, Mr. Speaker; because if I wanted information I would not ask it from the gentleman from New York. [Laughter.] The gentleman in charge of this bill has not given the House any satisfactory reason why the bill should pass. This is not a question as to whether this port shall be at Port Arthur or Sabine. It is a question whether this bill shall pass, and whether there shall be an additional port at all. I say, Mr. Speaker, that we do not need an additional port at Port Arthur. And I will say to the gentleman from Texas [Mr. BURGESS] that the gentleman from Nebraska knows what the interests of Nebraska require; and if he does not, he will not go to Texas to get his information.

Mr. BATES. Is it not a fact that this measure now before the House has been approved by a favorable report from the great Committee on Ways and Means?

Mr. KENNEDY of Nebraska. Yes, sir; I believe so; and nobody has a greater respect for the Ways and Means Committee than I have.

Mr. SULZER. And also by the Secretary of the Treasury.

Mr. KENNEDY of Nebraska. Now we have some more interpolation from New York. [Laughter.]

Mr. Speaker, it is an easy thing to get through this House bills which create additional offices and make additional expense.

Mr. MADDEN. I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield to the gentleman from Illinois?

Mr. KENNEDY of Nebraska. I do.

Mr. MADDEN. Is it not a fact that instead of creating additional offices and expense by the creation of this port, the revenues to be derived from the establishment of the port at this point will be more than sufficient to meet any expenses that may be created? [Applause.]

Mr. KENNEDY of Nebraska. That, Mr. Speaker, is an evasion of the question. [Laughter.]

Mr. MADDEN. I am asking you the question.

Mr. KENNEDY of Nebraska. I will answer you. I will say that the commerce at Port Arthur will be there whether it is made a port of entry or not. I say that Sabine is a subport now, and it has been sufficient for all purposes and will be sufficient for all purposes for the commerce that will come to that part of Texas, whether Port Arthur is made a port of entry or whether this bill passes or does not pass. Mr. Speaker, I want to know what instances there are in the United States where inland towns have been taken and made ports of entry, with subports on the open Gulf, with natural harbors suitable for all purposes?

Mr. MADDEN. Will the gentleman allow me to ask him a question?

Mr. BURTON of Ohio. Will the gentleman allow me to ask him a question?

Mr. POWERS. Will the gentleman allow me to ask him a question?

The SPEAKER. To whom does the gentleman yield?

Mr. KENNEDY of Nebraska. I will yield to the gentleman from Ohio.

Mr. BURTON of Ohio. I would like to ask the gentleman if he is aware of the situation of Astoria, on the Columbia River, and Portland, which is on the Willamette River, a branch of the Columbia, and about 100 miles from the mouth, while Astoria is very near the mouth? I would like to call his attention to Philadelphia and the ports below it on the Delaware River, on the way to Delaware Bay and the open ocean.

Mr. KENNEDY of Nebraska. Are they made original ports?

Mr. BURTON of Ohio. Certainly; Philadelphia is and so is Portland.

Mr. KENNEDY of Nebraska. Now, Mr. Speaker, this House should not pass this bill under suspension of the rules, because it provides that this canal shall be ceded. It is high time to make this inland town a port of entry when that has been done, and I protest against the creation of that port, against the establishment of more offices, against the cost of the maintenance of that canal, and against the whole system which will make a port of entry of an inland town when the open harbor is 12 miles away on the Gulf.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Nebraska. Yes.

Mr. MADDEN. Will the gentleman tell the House, while he is objecting to the establishment of a port at this point because of the expense to be incurred for the maintenance of the canal by the Government, how much the Government spent on the canal at Sabine and how much it spends annually for its maintenance?

Mr. KENNEDY of Nebraska. I do not think that has anything to do with the question.

Mr. MADDEN. Oh, yes.

Mr. KENNEDY of Nebraska. Because the question here is as to the additional expense.

Mr. GROSVENOR. Why, if the Government had not spent the money which it has spent in making and maintaining the harbor at Sabine you could not get within 15 miles of Port Arthur in a john boat. The expenditure which the gentleman is talking about, which amounts to nearly \$5,000,000, every dollar of which has been appropriated since I have been in Congress, was expended to make at Sabine a harbor which has been one of the best harbors on all the southern coast, and there is a complete harbor. The other proposition is to go 12 miles up a channel, part of it a public channel and part of it a private channel; that is all.

Mr. MADDEN. It will all be public when it is ceded to the Government.

Mr. GROSVENOR. Nobody knows whether it will be ceded or not.

Mr. CURTIS. The gentleman ought not to make that statement, because the act does not take effect until the canal is ceded to the Government. [Cries of "Vote!" "Vote!"]

Mr. BROOKS of Texas. Mr. Speaker, I yield three minutes' time to the gentleman from Minnesota [Mr. McCLEARY].

Mr. McCLEARY of Minnesota. Mr. Speaker, this bill has been favorably reported by the Committee on Ways and Means after exhaustive investigation in which both sides were heard. It has the approval of the Secretary. It has my own personal approval [applause].

A MEMBER. That is enough. [Applause.]

Mr. McCLEARY of Minnesota (continuing). For several reasons.

On the Gulf coast, between Galveston and New Orleans, a distance of several hundred miles, there are no harbors of any

consequence, except at the place referred to in the bill. Tributary to this harbor is a great and growing section of country. The usefulness of this harbor is seen in the fact that within a few years there has grown up at Port Arthur a thriving little city, destined, I believe, to be a considerable city. To accommodate the rapidly growing trade every proper encouragement should be given to the upbuilding of this shipping point.

I admit that I have a selfish reason, too, for supporting the pending bill. I support it because I believe that in the upbuilding of Port Arthur much of good will come to the section of country lying between the Mississippi River and the Rocky Mountains, in which section lies the great State of Minnesota, which I have the honor to represent in part on this floor. That great section lies away out at the heart of the continent, far from the ocean. Necessarily we have a long haul for our exports and imports. Most of our surplus products for export now move eastward to the Atlantic ports. Another exit toward the Gulf would mean additional competition in transportation, and, therefore, lowering of freight rates. In my judgment it is of the utmost value to that interior country to have this harbor and the railways leading to it developed, and, therefore, in the interest of all that part of the country in which I live I support this bill.

Mr. HINSHAW. Is there a subport at Sabine now?

Mr. McCLEARY of Minnesota. Yes; there is a subport at Sabine.

Mr. HINSHAW. And is it necessary to go from Port Arthur to Galveston to arrange the papers now, or can you go to Sabine?

Mr. McCLEARY of Minnesota. The testimony before the committee is that the captains of the vessels now have to go to Galveston to get their clearance papers. That is exactly the necessity for the port instead of a subport. The testimony before the committee shows that there are twenty-eight vessels owned at Port Arthur.

I yield back the remainder of my time to the gentleman from Texas. [Cries of "Vote!" "Vote!"]

The question being taken (two-thirds voting in the affirmative), the rules were suspended and the bill passed.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On May 8, 1906:

H. R. 11946. An act to amend section 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes."

On May 17:

H. R. 13783. An act to provide souvenir medallions for the Zebulon Montgomery Pike Monument Association.

On May 23:

H. R. 8976. An act to change the line of the reservation at Hot Springs, Ark., and of Reserve avenue; and

H. R. 13938. An act to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Oswego, New York.

On May 25:

H. R. 16307. An act authorizing the Secretary of the Interior to have a survey made of unsurveyed public lands in the State of Louisiana.

On May 26:

H. R. 9297. An act for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired; and

H. R. 18435. An act to authorize the Secretary of Commerce and Labor to cooperate through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the shellfish commissioners of the State of Maryland in making surveys of the natural oyster beds, bars, and rocks in the waters within the State of Maryland.

On May 28:

H. R. 395. An act concerning foreign-built dredges.

On May 31:

H. R. 19572. An act making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year 1906, and for other purposes.

On June 2:

H. R. 18328. An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas.

On June 4:

H. J. Res. 98. Joint resolution authorizing the Secretary of

War to furnish brass cannon to the General Howell Post, No. 31, Grand Army of the Republic, of Woodbury, N. J.;

H. R. 5842. An act to correct the military record of Charles F. Delsch;

H. R. 14410. An act to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park;"

H. R. 17220. An act providing for a recorder of deeds, etc., in the Osage Indian Reservation, in Oklahoma Territory;

H. R. 18026. An act permitting the building of a dam across the Mississippi River near the city of Bemidji, Beltrami County, Minn.;

H. R. 18439. An act to authorize the construction of a bridge across Tallahatchie River in Tallahatchie County, Miss.; and

H. R. 19473. An act authorizing the use of the waters in Coosa River at Lock No. 4, in Alabama.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 14184. An act to extend the irrigation act to the State of Texas;

H. R. 1178. An act granting an increase of pension to Herman Buckthal;

H. R. 1247. An act granting an increase of pension to Columbus Botts;

H. R. 6596. An act granting an increase of pension to Alex O. Huffman;

H. R. 8155. An act granting an increase of pension to Henry E. Seelye;

H. R. 9862. An act granting an increase of pension to William B. Warren;

H. R. 12184. An act granting an increase of pension to Joseph Sprauer;

H. R. 13594. An act granting an increase of pension to Jonathan Snook;

H. R. 13824. An act granting a pension to Noah Myers;

H. R. 1034. An act granting an increase of pension to John Logan;

H. R. 3351. An act granting an increase of pension to George King;

H. R. 6208. An act granting an increase of pension to William D. Conner;

H. R. 7244. An act granting an increase of pension to Christopher S. Guthrie;

H. R. 11161. An act granting an increase of pension to Michael Aaron;

H. R. 11855. An act granting an increase of pension to Mary Ann Shelly;

H. R. 14678. An act granting a pension to James A. Boggs;

H. R. 14702. An act granting an increase of pension to Christian Schlosser;

H. R. 16492. An act granting an increase of pension to John M. Logan;

H. R. 17772. An act granting an increase of pension to John W. Henry;

H. R. 18509. An act granting an increase of pension to Ellen L. Stone;

H. R. 2785. An act granting an increase of pension to Margaret Bonyne;

H. R. 3488. An act granting an increase of pension to Egbert J. Olds;

H. R. 3495. An act granting an increase of pension to Charles F. Tower;

H. R. 4241. An act granting an increase of pension to David B. Coleman;

H. R. 6774. An act granting an increase of pension to John Platt;

H. R. 8736. An act granting an increase of pension to Lowell M. Maxham;

H. R. 8852. An act granting an increase of pension to Frederick W. Clark;

H. R. 12336. An act granting an increase of pension to Margaret A. Montgomery;

H. R. 12418. An act granting an increase of pension to Thomas P. Crandall;

H. R. 14661. An act granting an increase of pension to John B. Bussell;

H. R. 14729. An act granting an increase of pension to David Ford;

H. R. 18910. An act granting an increase of pension to Philo E. Davis;

H. R. 5040. An act granting an increase of pension to Joseph Montgomery.

H. R. 9609. An act granting an increase of pension to Jesse M. Auchmuty;

H. R. 10865. An act granting an increase of pension to Alexander Caldwell;

H. R. 12971. An act granting an increase of pension to Matthew H. Brandon;

H. R. 16005. An act granting an increase of pension to Hezekiah J. Reynolds;

H. R. 18052. An act granting an increase of pension to John Lewis Bernard Breighner;

H. R. 17922. An act granting an increase of pension to Thomas D. Adams;

H. R. 1438. An act granting an increase of pension to Oliver T. Smith;

H. R. 2265. An act granting an increase of pension to Hudson J. Van Scoter;

H. R. 15056. An act granting an increase of pension to James Ramsey;

H. R. 16272. An act granting a pension to William D. Willis;

H. R. 16525. An act granting an increase of pension to Mary Amanda Nash;

H. R. 18121. An act granting an increase of pension to John W. Jones;

H. R. 6533. An act granting a pension to Horace Salter;

H. R. 6878. An act granting a pension to Lucy Brown;

H. R. 7535. An act granting an increase of pension to John L. Moore;

H. R. 8232. An act granting an increase of pension to James M. Jared;

H. R. 8817. An act granting an increase of pension to Calvin M. Latham;

H. R. 9844. An act granting an increase of pension to John J. Erick;

H. R. 13069. An act granting an increase of pension to Friend S. Esmond;

H. R. 13443. An act granting an increase of pension to James E. Hammontree;

H. R. 15613. An act granting an increase of pension to William W. Combs;

H. R. 16109. An act granting an increase of pension to Jacob Cline;

H. R. 2092. An act granting an increase of pension to Franklin M. Hill;

H. R. 2237. An act granting an increase of pension to Martin Pool;

H. R. 2247. An act granting an increase of pension to Anthony Sanspour;

H. R. 4161. An act granting an increase of pension to Robert Beatty;

H. R. 6059. An act granting an increase of pension to Elias Hanes;

H. R. 6422. An act granting an increase of pension to Anthony Van Slyke;

H. R. 11260. An act granting an increase of pension to James H. Van Camp;

H. R. 16073. An act granting an increase of pension to John Ginther;

H. R. 4956. An act granting an increase of pension to James C. Bryant;

H. R. 12330. An act granting an increase of pension to Hester A. Van Derslice;

H. R. 12879. An act granting an increase of pension to Catharine Myers;

H. R. 13993. An act granting an increase of pension to Joseph Watson;

H. R. 15104. An act granting an increase of pension to Thomas E. Owens;

H. R. 15288. An act granting an increase of pension to Benjamin F. Finical;

H. R. 16441. An act granting an increase of pension to Joseph J. Goode;

H. R. 1736. An act granting an increase of pension to Charles A. Walker;

H. R. 1788. An act granting an increase of pension to William D. Christy;

H. R. 3243. An act granting an increase of pension to John H. Anderson;

H. R. 3572. An act granting an increase of pension to William L. Riley;

H. R. 5560. An act granting an increase of pension to Henry Chubb;

H. R. 6205. An act granting an increase of pension to Lucy E. Engler;

H. R. 8795. An act granting an increase of pension to Orrin A. A. Gardner;

H. R. 10794. An act granting an increase of pension to Jacob Schultz;
 H. R. 11457. An act granting an increase of pension to Cyrus Vanmatre;
 H. R. 18367. An act granting an increase of pension to John Wilkinson;
 H. R. 18262. An act granting an increase of pension to John H. Broadway;
 H. R. 15126. An act granting an increase of pension to William K. Trabue;
 H. R. 9531. An act granting an increase of pension to Eliza Rogers;
 H. R. 9243. An act granting an increase of pension to Joseph A. Barnard;
 H. R. 7402. An act granting an increase of pension to Edwin M. Todd;
 H. R. 7147. An act granting an increase of pension to Bronson Rothrock;
 H. R. 6505. An act granting an increase of pension to Mary C. Chapman;
 H. R. 5911. An act granting a pension to Edward D. Lockwood, alias George E. McDaniel;
 H. R. 4597. An act granting an increase of pension to Martin Ellison;
 H. R. 3588. An act granting an increase of pension to William H. Riggin;
 H. R. 612. An act granting an increase of pension to George W. Kohler;
 H. R. 16252. An act granting an increase of pension to Adam Dixon;
 H. R. 16496. An act granting an increase of pension to Thomas Dailey;
 H. R. 17872. An act granting an increase of pension to Allen D. Metcalfe;
 H. R. 1614. An act granting an increase of pension to Jacob H. Lynch;
 H. R. 1650. An act granting an increase of pension to Frank B. Watkins;
 H. R. 4715. An act granting an increase of pension to John H. Whiting;
 H. R. 9828. An act granting an increase of pension to John Broughton;
 H. R. 10828. An act granting an increase of pension to Michael Lennon;
 H. R. 11057. An act granting an increase of pension to Lewis J. Post;
 H. R. 11152. An act granting an increase of pension to Theodore S. Currier;
 H. R. 14264. An act granting an increase of pension to John H. Eversole;
 H. R. 18469. An act granting an increase of pension to Samuel C. Dean;
 H. R. 18794. An act granting an increase of pension to William C. McRay;
 H. R. 18795. An act granting an increase of pension to James E. Raney;
 H. R. 18308. An act granting an increase of pension to Clay Riggs;
 H. R. 18310. An act granting an increase of pension to Virgil A. Bayley;
 H. R. 18356. An act granting an increase of pension to William A. Custer;
 H. R. 18467. An act granting an increase of pension to Rudolph W. H. Swendt;
 H. R. 16812. An act granting an increase of pension to Dudley McKibben;
 H. R. 13149. An act granting an increase of pension to Ida L. Martin;
 H. R. 18678. An act granting an increase of pension to Evans P. Hoover;
 H. R. 18724. An act granting an increase of pension to Alfred Gude;
 H. R. 18239. An act granting an increase of pension to Bryant Brown;
 H. R. 18426. An act granting a pension to Elizabeth Hathaway;
 H. R. 8722. An act granting an increase of pension to Arthur M. Lee;
 H. R. 6120. An act granting a pension to Harriet M. Smithers;
 H. R. 18076. An act granting an increase of pension to Elizabeth Bartley;
 H. R. 17938. An act granting an increase of pension to Clarissa L. Dowling;
 H. R. 16595. An act granting a pension to James R. Hicks;

H. R. 17309. An act granting an increase of pension to John W. Chase;
 H. R. 18551. An act granting an increase of pension to William D. Brown;
 H. R. 18862. An act granting an increase of pension to Joseph H. Weaver;
 H. R. 18249. An act granting an increase of pension to Hiram G. Hunt;
 H. R. 18399. An act granting an increase of pension to Pauline Bietry;
 H. R. 18400. An act granting an increase of pension to Elmira M. Gause;
 H. R. 18402. An act granting an increase of pension to Lucy W. Powell;
 H. R. 18486. An act granting an increase of pension to William F. Walker;
 H. R. 18542. An act granting an increase of pension to Sarah Ann Day;
 H. R. 18319. An act granting an increase of pension to Newton Kinnison;
 H. R. 17637. An act granting an increase of pension to Gardner K. Haskell;
 H. R. 16915. An act granting an increase of pension to Orange Bugbee;
 H. R. 17210. An act granting an increase of pension to Daniel M. Vertner;
 H. R. 18073. An act granting an increase of pension to Mary McFarlane;
 H. R. 17340. An act granting a pension to Julia Walz;
 H. R. 17346. An act granting an increase of pension to Newton S. Davis;
 H. R. 17891. An act granting an increase of pension to Eliza M. Buice;
 H. R. 17935. An act granting an increase of pension to Andrew C. Woodard;
 H. R. 16662. An act granting an increase of pension to Van Buren Beam;
 H. R. 18572. An act granting an increase of pension to Allamanza M. Harrison;
 H. R. 18651. An act granting an increase of pension to Elizabeth Thomas;
 H. R. 19001. An act granting an increase of pension to Elizabeth A. McKay;
 H. R. 18132. An act granting an increase of pension to John W. Blanchard;
 H. R. 18357. An act granting an increase of pension to William E. Starr;
 H. R. 16098. An act granting an increase of pension to Elijah Curtis;
 H. R. 7836. An act granting an increase of pension to Alexander G. Patton;
 H. R. 18505. An act granting an increase of pension to M. Belle May;
 H. R. 18560. An act granting an increase of pension to John Hamilton;
 H. R. 18930. An act granting an increase of pension to Eliza J. Mays;
 H. R. 17445. An act granting an increase of pension to William H. Farrell;
 H. R. 16842. An act granting an increase of pension to Thomas H. Thornburgh;
 H. R. 18539. An act granting an increase of pension to Angeline R. Lomax;
 H. R. 18959. An act granting an increase of pension to Albert G. Packer;
 H. R. 18966. An act granting a pension to John W. Ward;
 H. R. 18696. An act granting an increase of pension to Louisa C. Gibson;
 H. R. 18697. An act granting an increase of pension to Martha L. Beesley;
 H. R. 18106. An act granting an increase of pension to Mary E. Patterson;
 H. R. 18105. An act granting an increase of pension to John A. Lyle;
 H. R. 17466. An act granting an increase of pension to James P. Hall;
 H. R. 6067. An act to change the records of the War Department relative to Levi A. Meacham;
 H. R. 1982. An act granting a pension to Ada Collins;
 H. R. 17678. An act granting an increase of pension to Alexander Moore;
 H. R. 18447. An act granting an increase of pension to Elijah G. Gould;
 H. R. 17388. An act granting an increase of pension to Patrick McCarthy;

H. R. 17390. An act granting an increase of pension to Mary Sheehan;
 H. R. 17476. An act granting an increase of pension to Henry Ballard;
 H. R. 16918. An act granting a pension to Matilda J. Williams;
 H. R. 19005. An act granting a pension to Gideon M. Burris;
 H. R. 18730. An act granting an increase of pension to William C. Mahaffey;
 H. R. 18887. An act granting an increase of pension to Alexander W. Carruth;
 H. R. 18034. An act granting a pension to Mary A. Montgomery;
 H. R. 18038. An act granting an increase of pension to Erastus W. Briggs;
 H. R. 18039. An act granting an increase of pension to John W. Stephens;
 H. R. 18041. An act granting an increase of pension to William R. Hiner;
 H. R. 17934. An act granting an increase of pension to Thomas J. Byrd;
 H. R. 18935. An act granting an increase of pension to Mima A. Boswell;
 H. R. 18355. An act granting an increase of pension to Rachel A. Webster;
 H. R. 18378. An act granting an increase of pension to Martha A. Dunlap;
 H. R. 17920. An act granting an increase of pension to Sallie E. Blanding;
 H. R. 17940. An act granting a pension to Rhett Florence Tilton;
 H. R. 16565. An act granting an increase of pension to George H. Gordon, alias Gorton;
 H. R. 18573. An act granting an increase of pension to John M. Quinton;
 H. R. 18605. An act granting an increase of pension to William Lawrence;
 H. R. 18822. An act granting an increase of pension to Sophie S. Parker;
 H. R. 18236. An act granting an increase of pension to Thomas Garrett;
 H. R. 18449. An act granting an increase of pension to Hannah R. Jacobs;
 H. R. 18400. An act granting a pension to Benjamin F. Tudor;
 H. R. 17374. An act granting an increase of pension to Isom Wilkerson;
 H. R. 17542. An act granting an increase of pension to John Cain;
 H. R. 18627. An act granting an increase of pension to Elizabeth A. Anderson;
 H. R. 18628. An act granting an increase of pension to William E. Chambers;
 H. R. 18976. An act granting an increase of pension to Nelson S. Preston;
 H. R. 18702. An act granting an increase of pension to Edward B. Prime;
 H. R. 18633. An act granting an increase of pension to Jennie F. Belding;
 H. R. 18654. An act granting an increase of pension to Robert D. Gardner;
 H. R. 18655. An act granting an increase of pension to Leander Gilbert;
 H. R. 18746. An act granting an increase of pension to Isaac Howard;
 H. R. 18747. An act granting an increase of pension to William H. Colgate;
 H. R. 18184. An act granting an increase of pension to John J. Howells;
 H. R. 18243. An act granting an increase of pension to Jacob S. Rickard;
 H. R. 17590. An act granting an increase of pension to Jacob Woodruff;
 H. R. 17825. An act granting an increase of pension to Bolivar Ward;
 H. R. 17999. An act granting an increase of pension to Samuel Yehl;
 H. R. 16682. An act granting an increase of pension to William Hammond;
 H. R. 16977. An act granting an increase of pension to Isabel Newlin;
 H. R. 17170. An act granting an increase of pension to Jackson D. Turley;
 H. R. 17171. An act granting an increase of pension to David H. Parker;

H. R. 18510. An act granting an increase of pension to Hugh R. Rutledge;
 H. R. 18524. An act granting an increase of pension to Julius Rector;
 H. R. 18821. An act granting an increase of pension to Eliza Jane Witherspoon;
 H. R. 13245. An act to correct the military record of Henry Gude; and
 H. R. 13735. An act for the relief of John Purkapile.
 The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:
 H. R. 10395. An act granting an increase of pension to Stephen Cundiff;
 H. R. 16878. An act granting an increase of pension to James B. Adams;
 H. R. 3005. An act granting an increase of pension to Jacob C. Shafer;
 H. R. 18135. An act granting an increase of pension to Benedict Sutter;
 H. R. 15692. An act granting a pension to Frank M. Dooley;
 H. R. 13828. An act granting an increase of pension to John M. Carroll;
 H. R. 18561. An act granting an increase of pension to Jonathan Skeans; and
 H. R. 18116. An act granting an increase of pension to Green Evans.
 The message also announced that the Senate has passed bills of the following titles; in which the concurrence of the House of Representatives was requested:
 S. 4318. An act granting an increase of pension to H. S. Bennett;
 S. 1976. An act granting a pension to William N. Dickey;
 S. 6155. An act granting an increase of pension to Samuel H. Davis;
 S. 4390. An act granting an increase of pension to Rebecca A. Alexander;
 S. 4391. An act granting an increase of pension to Abner R. Barnes;
 S. 5353. An act granting an increase of pension to Thomas W. Carter;
 S. 5262. An act granting an increase of pension to Frank A. Nichols;
 S. 5598. An act granting an increase of pension to Almond Greeley;
 S. 4651. An act granting an increase of pension to Rufus M. Ashley;
 S. 6063. An act granting an increase of pension to Ellen M. Dyer;
 S. 2566. An act granting an increase of pension to George H. Rodeheaver;
 S. 3735. An act granting an increase of pension to Phebe W. Drake;
 S. 3028. An act granting an increase of pension to Helen C. Sanderson;
 S. 3168. An act granting an increase of pension to Obadiah Derr;
 S. 5952. An act granting an increase of pension to Hyacinth Dotey;
 S. 6187. An act granting an increase of pension to Martha Jane Bolt;
 S. 4375. An act granting an increase of pension to David McCredie;
 S. 6189. An act granting a pension to Dora D. Walker;
 S. 6188. An act granting an increase of pension to Sarah Young;
 S. 6164. An act granting an increase of pension to Julius S. Cuendet;
 S. 6154. An act granting an increase of pension to Edwin Freeman;
 S. 5870. An act granting an increase of pension to S. H. Morrison;
 S. 6168. An act granting an increase of pension to Calvin Lambert;
 S. 5543. An act granting an increase of pension to William A. Humrich;
 S. 4961. An act granting an increase of pension to William Ickes;
 S. 5195. An act granting an increase of pension to Sidney H. Cook;
 S. 5155. An act granting an increase of pension to Charles H. Van Dusen;
 S. 1936. An act granting an increase of pension to Lorenzo W. Smith;

S. 5148. An act granting an increase of pension to Mildred McCorkle;
 S. 2501. An act granting an increase of pension to Jessie E. Foster;
 S. 3122. An act granting an increase of pension to E. C. Clark;
 S. 6272. An act granting an increase of pension to Harvey Gamble;
 S. 6222. An act granting an increase of pension to John A. Alden;
 S. 5810. An act granting an increase of pension to Thomas McGowan;
 S. 4459. An act granting an increase of pension to Edwin K. Lamson;
 S. 6192. An act granting an increase of pension to John Coker;
 S. 6264. An act granting a pension to Cornelius Sullivan;
 S. 4741. An act granting an increase of pension to Andrew J. Workman;
 S. 5898. An act granting a pension to Louisa A. Clark;
 S. 5038. An act granting an increase of pension to James Richards;
 S. 6006. An act granting an increase of pension to William H. Crouch;
 S. 6041. An act granting an increase of pension to James N. Brown;
 S. 5877. An act granting an increase of pension to Charles O'Bryan;
 S. 257. An act granting an increase of pension to Caleb T. Bowen;
 S. 6141. An act granting an increase of pension to Ransom C. Russell;
 S. 6138. An act granting an increase of pension to Eliza P. Norton;
 S. 1254. An act granting an increase of pension to Orlando H. Langley;
 S. 1422. An act granting an increase of pension to George L. Wakefield;
 S. 2853. An act granting an increase of pension to Bridget Quinn;
 S. 5447. An act granting an increase of pension to Oliver H. Hibben;
 S. 4047. An act granting an increase of pension to William Morehead;
 S. 6222. An act granting an increase of pension to John A. Alden;
 S. 6188. An act granting an increase of pension to Sarah Young;
 S. R. 60. Joint resolution providing for the purchase of material and equipment for use in the construction of the Panama Canal;
 S. 5149. An act to grant an honorable discharge to William C. Haskill;
 S. 2987. An act to remove the charge of desertion from the military record of Nathan Mendenhall; and
 S. 3521. An act to correct the military record of Thomas J. Morris.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4318. An act granting an increase of pension to H. S. Bennett—to the Committee on Invalid Pensions.
 S. 1976. An act granting a pension to William N. Dickey—to the Committee on Invalid Pensions.
 S. 6155. An act granting an increase of pension to Samuel H. Davis—to the Committee on Invalid Pensions.
 S. 4390. An act granting an increase of pension to Rebecca A. Alexander—to the Committee on Invalid Pensions.
 S. 4391. An act granting an increase of pension to Abner R. Barnes—to the Committee on Invalid Pensions.
 S. 5353. An act granting an increase of pension to Thomas W. Carter—to the Committee on Invalid Pensions.
 S. 5262. An act granting an increase of pension to Frank A. Nichols—to the Committee on Invalid Pensions.
 S. 5598. An act granting an increase of pension to Almond Greeley—to the Committee on Invalid Pensions.
 S. 4651. An act granting an increase of pension to Rufus M. Ashley—to the Committee on Invalid Pensions.
 S. 6065. An act granting an increase of pension to Ellen M. Dyer—to the Committee on Invalid Pensions.
 S. 1936. An act granting an increase of pension to Lorenzo W. Smith—to the Committee on Invalid Pensions.
 S. 5148. An act granting an increase of pension to Mildred McCorkle—to the Committee on Military Affairs.

S. 2501. An act granting an increase of pension to Jessie E. Foster—to the Committee on Invalid Pensions.
 S. 3122. An act granting an increase of pension to E. C. Clark—to the Committee on Invalid Pensions.
 S. 6272. An act granting an increase of pension to Harvey Gamble—to the Committee on Invalid Pensions.
 S. 6222. An act granting an increase of pension to John A. Alden—to the Committee on Invalid Pensions.
 S. 5810. An act granting an increase of pension to Thomas McGowan—to the Committee on Pensions.
 S. 4459. An act granting an increase of pension to Edwin K. Lamson—to the Committee on Invalid Pensions.
 S. 6192. An act granting an increase of pension to John Coker—to the Committee on Invalid Pensions.
 S. 6264. An act granting a pension to Cornelius Sullivan—to the Committee on Pensions.
 S. 4741. An act granting an increase of pension to Andrew J. Workman—to the Committee on Pensions.
 S. 5898. An act granting a pension to Louisa A. Clark—to the Committee on Invalid Pensions.
 S. 5038. An act granting an increase of pension to James Richards—to the Committee on Invalid Pensions.
 S. 6006. An act granting an increase of pension to William H. Crouch—to the Committee on Invalid Pensions.
 S. 6041. An act granting an increase of pension to James N. Brown—to the Committee on Pensions.
 S. 5877. An act granting an increase of pension to Charles O'Bryan—to the Committee on Invalid Pensions.
 S. 257. An act granting an increase of pension to Caleb T. Bowen—to the Committee on Invalid Pensions.
 S. 6141. An act granting an increase of pension to Ransom C. Russell—to the Committee on Invalid Pensions.
 S. 6138. An act granting an increase of pension to Eliza P. Norton—to the Committee on Invalid Pensions.
 S. 1254. An act granting an increase of pension to Orlando H. Langley—to the Committee on Invalid Pensions.
 S. 1422. An act granting an increase of pension to George L. Wakefield—to the Committee on Invalid Pensions.
 S. 2853. An act granting an increase of pension to Bridget Quinn—to the Committee on Invalid Pensions.
 S. 5447. An act granting an increase of pension to George H. Rodeheaver—to the Committee on Invalid Pensions.
 S. 3735. An act granting an increase of pension to Phebe W. Drake—to the Committee on Invalid Pensions.
 S. 3028. An act granting an increase of pension to Helen C. Sanderson—to the Committee on Invalid Pensions.
 S. 3168. An act granting an increase of pension to Obadiah Derr—to the Committee on Invalid Pensions.
 S. 5952. An act granting an increase of pension to Hyacinth Dotey—to the Committee on Pensions.
 S. 6187. An act granting an increase of pension to Martha Jane Bolt—to the Committee on Pensions.
 S. 4375. An act granting an increase of pension to David McCredie—to the Committee on Pensions.
 S. 6189. An act granting a pension to Dora D. Walker—to the Committee on Invalid Pensions.
 S. 6188. An act granting an increase of pension to Sarah Young—to the Committee on Pensions.
 S. 6164. An act granting an increase of pension to Julius S. Cuendet—to the Committee on Invalid Pensions.
 S. 6154. An act granting an increase of pension to Edwin Freeman—to the Committee on Invalid Pensions.
 S. 5870. An act granting an increase of pension to S. H. Morrison—to the Committee on Invalid Pensions.
 S. 6168. An act granting an increase of pension to Calvin Lambert—to the Committee on Invalid Pensions.
 S. 5543. An act granting an increase of pension to William A. Humrich—to the Committee on Invalid Pensions.
 S. 4961. An act granting an increase of pension to William Ickes—to the Committee on Invalid Pensions.
 S. 5195. An act granting an increase of pension to Sidney H. Cook—to the Committee on Invalid Pensions.
 S. 5155. An act granting an increase of pension to Charles H. Van Dusen—to the Committee on Invalid Pensions.
 S. 5447. An act granting an increase of pension to Oliver H. Hibben—to the Committee on Invalid Pensions.
 S. 4047. An act granting an increase of pension to William Morehead—to the Committee on Invalid Pensions.
 S. 5148. An act granting an increase of pension to Mildred McCorkle—to the Committee on Pensions.
 S. 6154. An act granting an increase of pension to Edwin Freeman—to the Committee on Invalid Pensions.
 S. 3735. An act granting an increase of pension to Phebe W. Drake—to the Committee on Invalid Pensions.

S. 3521. An act to correct the military record of Thomas J. Morris—to the Committee on Military Affairs.

S. 2987. An act to remove the charge of desertion from the military record of Nathan Mendenhall—to the Committee on Invalid Pensions.

S. R. 60. Joint resolution providing for the purchase of material and equipment for use in the construction of the Panama Canal—to the Committee on Ways and Means.

STOCK YARDS AND THEIR PRODUCTS.

The SPEAKER laid before the House a message from the President of the United States; which, with the accompanying documents, was referred to the Committee on Agriculture, and ordered to be printed.

The message is as follows:

The Senate and House of Representatives:

I transmit herewith the report of Mr. James Bronson Reynolds and Commissioner Charles P. Neill, the special committee whom I appointed to investigate into the conditions in the stock yards of Chicago and report thereon to me. This report is of a preliminary nature. I submit it to you now because it shows the urgent need of immediate action by the Congress in the direction of providing a drastic and thoroughgoing inspection by the Federal Government of all stock yards and packing houses and of their products, so far as the latter enter into interstate or foreign commerce. The conditions shown by even this short inspection to exist in the Chicago stock yards are revolting. It is imperatively necessary in the interest of health and of decency that they should be radically changed. Under the existing law it is wholly impossible to secure satisfactory results.

When my attention was first directed to this matter an investigation was made under the Bureau of Animal Industry of the Department of Agriculture. When the preliminary statements of this investigation were brought to my attention they showed such defects in the law and such wholly unexpected conditions that I deemed it best to have a further immediate investigation by men not connected with the Bureau, and accordingly appointed Messrs. Reynolds and Neill. It was impossible under the existing law that satisfactory work should be done by the Bureau of Animal Industry. I am now, however, examining the way in which the work actually was done.

Before I had received the report of Messrs. Reynolds and Neill I had directed that labels placed upon any package of meat food products should state only that the carcass of the animal from which the meat was taken had been inspected at the time of slaughter. If inspection of meat food products at all stages of preparation is not secured by the passage of the legislation recommended, I shall feel compelled to order that inspection labels and certificates on canned products shall not be used hereafter.

The report shows that the stock yards and packing houses are not kept even reasonably clean, and that the method of handling and preparing food products is uncleanly and dangerous to health. Under existing law the National Government has no power to enforce inspection of the many forms of prepared meat food products that are daily going from the packing houses into interstate commerce. Owing to an inadequate appropriation the Department of Agriculture is not even able to place inspectors in all establishments desiring them. The present law prohibits the shipment of uninspected meat to foreign countries, but there is no provision forbidding the shipment of uninspected meats in interstate commerce, and thus the avenues of interstate commerce are left open to traffic in diseased or spoiled meats. If, as has been alleged on seemingly good authority, further evils exist, such as the improper use of chemicals and dyes, the Government lacks power to remedy them. A law is needed which will enable the inspectors of the General Government to inspect and supervise from the hoof to the can the preparation of the meat food product. The evil seems to be much less in the sale of dressed carcasses than in the sale of canned and other prepared products; and very much less as regards products sent abroad than as regards those used at home.

In my judgment the expense of the inspection should be paid by a fee levied on each animal slaughtered. If this is not done, the whole purpose of the law can at any time be defeated through an insufficient appropriation; and whenever there was no particular public interest in the subject it would be not only easy but natural thus to make the appropriation insufficient. If it were not for this consideration, I should favor the Government paying for the inspection.

The alarm expressed in certain quarters concerning this feature should be allayed by a realization of the fact that in no case, under such a law, will the cost of inspection exceed 8 cents per head.

I call special attention to the fact that this report is preliminary, and that the investigation is still unfinished. It is not yet possible to report on the alleged abuses in the use of deleterious chemical compounds in connection with canning and preserving meat products, nor on the alleged doctoring in this fashion of tainted meat and of products returned to the packers as having grown unsalable or unusable from age or from other reasons. Grave allegations are made in reference to abuses of this nature.

Let me repeat that under the present law there is practically no method of stopping these abuses if they should be discovered to exist. Legislation is needed in order to prevent the possibility of all abuses in the future. If no legislation is passed, then the excellent results accomplished by the work of this special committee will endure only so long as the memory of the committee's work is fresh, and a recrudescence of the abuses is absolutely certain.

I urge the immediate enactment into law of provisions which will enable the Department of Agriculture adequately to inspect the meat and meat food products entering into interstate commerce and to supervise the methods of preparing the same, and to prescribe the sanitary conditions under which the work shall be performed. I therefore commend to your favorable consideration and urge the enactment of substantially the provisions known as Senate amendment No. 29 to the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, as passed by the Senate, this amendment being commonly known as the "Beveridge amendment."

THEODORE ROOSEVELT.

THE WHITE HOUSE, June 4, 1906.

THE PRESIDENT:

As directed by you, we investigated the conditions in the principal establishments in Chicago engaged in the slaughter of cattle, sheep, and hogs and in the preparation of dressed meat and meat food prod-

ucts. Two and a half weeks were spent in the investigation in Chicago, and during this time we went through the principal packing houses in the stock-yards district, together with a few of the smaller ones. A day was spent by Mr. Reynolds in New York City in the investigation of several of its leading slaughterhouses. During our investigation statements of conditions and practices in the packing houses, together with affidavits and documentary evidence, were offered us from numerous sources. Most of these were rejected as being far from proving the facts alleged and as being beyond the possibility of verification by us. We have made no statement as a fact in the report here presented that was not verified by our personal examination. Certain matters which we were unable to verify while in Chicago are still under investigation. The following is therefore submitted as a partial report touching upon those practices and conditions which we found most common and not confined to a single house or class of houses. A more detailed report would contain many specific instances of defects found in particular houses.

I.—Condition of the yards.

Before entering the buildings we noted the condition of the yards themselves as shown in the pavement, pens, viaducts, and platforms. The pavement is mostly of brick, the bricks laid with deep grooves between them, which inevitably fill with manure and refuse. Such pavement can not be properly cleaned and is slimy and malodorous when wet, yielding clouds of ill-smelling dust when dry. The pens are generally uncovered except those for sheep; these latter are paved and covered. The viaducts and platforms are of wood. Calves, sheep, and hogs that have died en route are thrown out upon the platforms where cars are unloaded. On a single platform on one occasion we counted fifteen dead hogs, on the next ten dead hogs. The only excuse given for delay in removal was that so often heard—the expense.

II.—Buildings.

Material.—The interior finish of most of the buildings is of wood; the partition walls, supports, and rafters are of wood, uncovered by plaster or cement. The flooring in some instances is of brick or cement, but usually of wood. In many of the rooms where water is used freely the floors are soaked and slimy.

Lighting.—The buildings have been constructed with little regard to either light or ventilation. The workrooms, as a rule, are very poorly lighted. A few rooms at the top of the buildings are well lighted because they can not escape the light, but most of the rooms are so dark as to make artificial light necessary at all times. Many inside rooms where food is prepared are without windows, deprived of sunlight, and without direct communication with the outside air. They may be best described as vaults in which the air rarely changes. Other rooms which open to the outer air are so large, the windows so clouded by dirt, and the walls and ceilings so dark and dingy that natural light only penetrates 20 or 30 feet from the windows, thus making artificial light in portions of even these outside rooms necessary. These dark and dingy rooms are naturally not kept suitably clean.

Ventilation.—Systematic ventilation of the workrooms is not found in any of the establishments we visited. In a few instances electric fans mitigate the stifling air, but usually the workers toil without relief in a humid atmosphere heavy with the odors of rotten wood, decayed meats, stinking offal, and entrails.

Equipment.—The work tables upon which the meat is handled, the floor carts on which it is carried about, and the tubs and other receptacles into which it is thrown are generally of wood. In all the places visited but a single porcelain-lined receptacle was seen. Tables covered with sheet iron, iron carts, and iron tubs are being introduced into the better establishments, but no establishment visited has as yet abandoned the extensive use of wooden tables and wooden receptacles. These wooden receptacles are frequently found water soaked, only half cleansed, and with meat scraps and grease accumulations adhering to their sides, and collecting dirt. This is largely true of meat racks and meat conveyors of every sort, which were in nearly all cases inadequately cleansed, and grease and meat scraps were found adhering to them, even after they had been washed and returned to service.

Sanitary conveniences.—Nothing shows more strikingly the general indifference to matters of cleanliness and sanitation that do the privies for both men and women. The prevailing type is made by cutting off a section of the workroom by a thin wooden partition rising to within a few feet of the ceiling. These privies usually ventilate into the workroom, though a few are found with a window opening into the outer air. Many are located in the inside corners of the workrooms, and thus have no outside opening whatever. They are furnished with a row of seats, generally without even side partitions. These rooms are sometimes used as cloakrooms by the employees. Lunch rooms constructed in the same manner, by boarding off a section of the workroom, often adjoin the privies, the odors of which add to the generally insanitary state of the atmosphere.

Abominable as the above-named conditions are, the one that affects most directly and seriously the cleanliness of the food products is the frequent absence of any lavatory provisions in the privies. Washing sinks are either not furnished at all or are small and dirty. Neither are towels, soap, or toilet paper provided. Men and women return directly from these places to plunge their unwashed hands into the meat to be converted into such food products as sausages, dried beef, and other compounds. Some of the privies are situated at a long distance from the workrooms, and men relieve themselves on the killing floors or in a corner of the workrooms. Hence, in some cases the fumes of the urine swell the sum of nauseating odors arising from the dirty, blood-soaked, rotting, wooden floors—fruitful culture beds for the disease germs of men and animals.

New buildings.—It is stated that many of the insanitary conditions are due to the fact that these buildings are old and have been built by piecemeal, and that in the newer buildings, being erected from time to time, the defects of the earlier structures are being remedied. This contention is not borne out by the facts. One of the large plants erected within recent years has most of the defects of the older buildings. It is true that three large model buildings have been erected, but one is an office building, while the other two contain only cooling, storage, and sales rooms. No model building for the preparation of food products has been built in the stock yards of Chicago.

III.—A model slaughterhouse in contrast with those of Chicago.

In impressive contrast to the conditions that we saw in the stock yards of Chicago is an establishment that Mr. Reynolds visited in New York City. It well merits a description in those particulars in which it is vastly superior to similar concerns in Chicago. The two upper floors used for cattle pens are paved with well-laid bricks and cement, with side walls of brick, the top floor being covered to protect the cattle from the weather. The killing floor is paved with bluestone, sloping toward well-arranged drains, and has a large air shaft for special ventilation,

and abundant windows. The ceiling and upper side walls are of hard cement, with steel crossbeams and cement-faced steel supports. The lower side walls are covered with white porcelain brick. When the slaughtering of each day is finished, water is turned on, and in not more than fifteen minutes the room is so thoroughly cleansed that all perceptible odors and traces of the work are removed.

Other rooms, such as those for cooling and storage, are of similar construction to the killing floor. White porcelain-lined bricks and curved tiles join floors and side walls, that no corners may retain dirt and refuse. Ventilation is everywhere excellent and light abundant, both these matters having evidently received careful consideration in planning the building. The privies contain separate sections with self-flushing bowls, white porcelain-lined wash basins, shower baths, and mirrors. Towels and toilet paper are provided, and everything is kept clean. The effect of all these excellencies of construction and arrangement is evident in promoting the care of the products and in elevating the morals of the workers.

The same principles of sanitation and the same care of the health and cleanliness of the workers would revolutionize the stock yards of Chicago, and the attainment of such a standard should be the concern of the National Government and of the city of Chicago.

Under existing conditions the burden of protecting the cleanliness and wholesomeness of the products and the health of the workers and of improving the conditions under which the work is performed, must fall upon the National Government.

IV.—Treatment of meats and prepared food products.

Uncleanliness in handling products.—An absence of cleanliness was also found everywhere in the handling of meat being prepared for the various meat-food products. After killing, carcasses are well washed, and up to the time they reach the cooling room are handled in a fairly sanitary and cleanly manner. The parts that leave the cooling room for treatment in bulk are also handled with regard to cleanliness, but the parts that are sent from the cooling room to those departments of the packing houses in which various forms of meat products are prepared are handled with no regard whatever for cleanliness. In some of the largest establishments sides that are sent to what is known as the "boning room" are thrown in a heap upon the floor. The workers climb over these heaps of meat, select the pieces they wish, and frequently throw them down upon the dirty floor beside their working bench. Even in cutting the meat upon the bench, the work is usually held pressed against their aprons, and these aprons were, as a rule, indescribably filthy. They were made in most cases of leather or of rough sacking and bore long accumulated grease and dirt. In only a few places were suitable oilcloth aprons worn. Moreover, men were seen to climb from the floor and stand, with shoes dirty with the refuse of the floors, on the tables upon which the meat was handled. They were seen at the lunch hour sitting on the tables on the spot on which the meat product was handled, and all this under the very eye of the superintendent of the room, showing that this was the common practice.

Meat scraps were also found being shoveled into receptacles from dirty floors, where they were left to lie until again shoveled into barrels or into machines for chopping. These floors, it must be noted, were in most cases damp and soggy, in dark, ill-ventilated rooms, and the employees in utter ignorance of cleanliness or danger to health expectorated at will upon them. In a word, we saw meat shoveled from filthy wooden floors, piled on tables rarely washed, pushed from room to room in rotten box carts, in all of which processes it was in the way of gathering dirt, splinters, floor filth, and the expectoration of tuberculous and other diseased workers. Where comment was made to floor superintendents about these matters, it was always the reply that this meat would afterwards be cooked, and that this sterilization would prevent any danger from its use. Even this, it may be pointed out in passing, is not wholly true. A very considerable portion of the meat so handled is sent out as smoked products and in the form of sausages, which are prepared to be eaten without being cooked.

A particularly glaring instance of uncleanliness was found in a room where the best grade of sausage was being prepared for export. It was made from carefully selected meats, and was being prepared to be eaten uncooked. In this case the employee carted the chopped-up meat across a room in a barrow, the handles of which were filthy with grease. The meat was then thrown out upon tables, and the employee climbed upon the table, handled the meat with his unwashed hands, knelt with his dirty apron and trousers in contact with the meat he was spreading out, and, after he had finished his operation, again took hold of the dirty handles of the wheelbarrow, went back for another load, and repeated this process indefinitely. Inquiry developed the fact that there was no water in this room at all, and the only method the man adopted for cleaning his hands was to rub them against his dirty apron or on his still filthier trousers.

As an extreme example of the entire disregard on the part of employees of any notion of cleanliness in handling dressed meat, we saw a hog that had just been killed, cleaned, washed, and started on its way to the cooling room fall from the sliding rail to a dirty wooden floor and slide part way into a filthy men's privy. It was picked up by two employees, placed upon a truck, carried into the cooling room and hung up with other carcasses, no effort being made to clean it.

Treatment of meat after inspection.—The radical defect in the present system of inspection is that it does not go far enough. It is confined at present by law to passing on the healthfulness of animals at the time of killing; but the meat that is used in sausage and in the various forms of canned products and other prepared meat foods goes through many processes, in all of which there is possibility of contamination through insanitary handling, and further danger through the use of chemicals. During all these processes of preparation there is no Government inspection and no assurance whatever that these meat-food products are wholesome and fit for food—despite the fact that all these products, when sent out, bear a label stating they have been passed upon by Government inspectors.

As to the investigation of the alleged use of dyes, preservatives, or chemicals in the preparation of cured meats, sausages, and canned goods we are not yet prepared to report. We did look into the matter of sanitary handling of the meats being prepared for the various food products. The results of our observations have already been partly given. Other instances of how products may be made up, and still secure the stamp of Government inspection are here given. In one well-known establishment we came upon fresh meat being shoveled into barrels, and a regular proportion being added of stale scraps that had lain on a dirty floor in the corner of a room for some days previous. In another establishment, equally well known, a long table was noted covered with several hundred pounds of cooked scraps of beef and other meats. Some of these meat scraps were dry, leathery, and unfit to be eaten; and in the heap were found pieces of pigskin, and even some bits of

robe strands and other rubbish. Inquiry evoked the frank admission from the man in charge that this was to be ground up and used in making "potted ham."

All of these canned products bear labels, of which the following is a sample:

ABATTOIR NO. —.

The contents of this package have been inspected according to the act of Congress of March 3, 1891.

QUALITY GUARANTEED.

The phraseology of these labels is wholly unwarranted. The Government inspectors pass only upon the healthfulness of the animal at the time of killing. They know nothing of the processes through which the meat has passed since this inspection. They do not know what else may have been placed in the cans in addition to "inspected meat." As a matter of fact, they know nothing about the "contents" of the can upon which the packers place these labels—do not even know that it contains what it purports to contain. The legend "Quality guaranteed" immediately following the statement as to Government inspection is wholly unjustifiable. It deceives and is plainly designed to deceive the average purchaser, who naturally infers from the label that the Government guarantees the contents of the can to be what it purports to be.

In another establishment piles of sausages and dry moldy canned meats, admittedly several years old, were found, which the superintendent stated to us would be tanked and converted into grease. The disposition to be made of this was wholly optional with the superintendents or representatives of the packers, as the Government does not concern itself with the disposition of meats after they have passed inspection on the killing floor. It might all be treated with chemicals, mixed with other meats, turned out in any form of meat product desired, and yet the packages or receptacles in which it was to be shipped out to the public would be marked with a label that their contents had been "Government inspected." It is not alleged here that such was to be made of this stuff. The case is pointed out as one showing the glaring opportunity for the misuse of a label bearing the name and the implied guaranty of the United States Government.

Another instance of abuse in the use of the labels came to our notice. In two different establishments great stocks of old canned goods were being put through a washing process to remove the old labels. They were then subjected to sufficient heat to "liven up" the contents—to use the phrase of the room superintendent. After this, fresh labels, with the Government name on them, were to be placed upon the cans, and they were to be sent out bearing all the evidence of being a freshly put up product. In one of these instances, by the admission of the superintendent, the stock thus being relabeled was over two years old. In the other case the superintendent evaded a statement of how old the goods were.

V.—Treatment of employees.

The lack of consideration for the health and comfort of the laborers in the Chicago stock yards seems to be a direct consequence of the system of administration that prevails. The various departments are under the direct control of superintendents who claim to use full authority in dealing with the employees and who seem to ignore all considerations except those of the account book. Under this system proper care of the products and of the health and comfort of the employees is impossible, and the consumer suffers in consequence. The insanitary conditions in which the laborers work and the feverish pace which they are forced to maintain inevitably affect their health. Physicians state that tuberculosis is disproportionately prevalent in the stock yards, and the victims of this disease expectorate on the spongy wooden floors of the dark workrooms, from which falling scraps of meat are later shoveled up to be converted into food products.

Even the ordinary decencies of life are completely ignored. In practically all cases the doors of the toilet rooms open directly into the working rooms, the privies of men and women frequently adjoin, and the entrances are sometimes no more than a foot or two apart. In other cases there are no privies for women in the rooms in which they work, and to reach the nearest it is necessary to go up or down a couple of flights of stairs. In one noticeable instance the privy for the women working in several adjoining rooms was in a room in which men chiefly were employed, and every girl going to use this had to pass by the working places of dozens of male operatives and enter the privy, the door of which was not 6 feet from the working place of one of the men operatives. As previously noted, in the privies for men and women alike there are no partitions, but simply a long row of open seats. Rest rooms, where tired women workers might go for a short rest, were found as rare exceptions, and in some establishments women are even placed in charge of privies chiefly for the purpose, it was stated, to see that the girls did not absent themselves too long from their work under the excuse of visiting them. In some instances what was called a rest room was simply one end of the privy partitioned off by a 6-foot partition from the remaining inclosure. A few girls were found using this, not only as a rest room, but as the only available place in which to sit to eat their luncheon.

Much of the work in connection with the handling of meat has to be carried on in rooms of a low temperature, but even here a callous disregard was everywhere seen for the comfort of those who work in these rooms. Girls and women were found in rooms registering a temperature of 38° F. without any ventilation whatever, depending entirely upon artificial light. The floors were wet and soggy, and in some cases covered with water, so that the girls had to stand in boxes of sawdust as a protection for their feet. In a few cases even drippings from the refrigerator rooms above trickled through the ceiling upon the heads of the workers and upon the food products being prepared. A very slight expense would have furnished drier floors and protected them against the tricklings from the ceiling. It was asserted by the superintendent of these rooms that this low temperature was essential to the proper keeping of the meat; but precisely similar work was found in other establishments carried on in rooms kept at a fair temperature. In many cases girls of 16, 17, and 18 years stand ten hours a day at work, much of which could be carried on while sitting down.

In several establishments well-managed restaurants were provided for the clerical force, and in one instance a smoking room was provided for them; but no provision was found anywhere for a place to eat for the male laborers. In pleasant weather they eat their luncheon sitting outdoors along the edge of the sidewalk, or any place where they can find standing room. In winter, however, and in inclement weather, their lunches have to be eaten in rooms that in many cases are stifling and nauseating. Eating rooms are provided in a number of places for women workers in the various departments;

and in most of the large establishments coffee is served them at a penny a cup. Beyond this meager consideration for their convenience at meal times, scarcely any evidence is found that anyone gave a thought to their comfort.

The neglect on the part of their employers to recognize or provide for the requirements of cleanliness and decency of the employees must have an influence that can not be exaggerated in lowering the morals and discouraging cleanliness on the part of the workers employed in the packing houses. The whole situation as we saw it in these huge establishments tends necessarily and inevitably to the moral degradation of thousands of workers, who are forced to spend their working hours under conditions that are entirely unnecessary and unpardonable, and which are a constant menace not only to their own health, but to the health of those who use the food products prepared by them.

VI.—Government inspection.

We observed carefully the inspection before slaughter, the inspection after slaughter on the killing beds, the more minute examination of animals tagged on the killing floors, and the microscopic examination for trichinosis.

Inspection before slaughter.—Inspection before slaughter appears to have little value in most cases. That undue advantage of this inspection is taken by outside parties is charged, and opportunities for such are abundant, but no specific evidence was presented to us. That this unimportant and superficial examination should be compulsory under the present law, whereas the more scientific examination after slaughter is only permissive, indicates a serious defect in the law.

Inspection after slaughter.—Inspection after slaughter appears to be carefully and conscientiously made. The Government veterinarians maintain that it is adequate, insisting that a passing examination of certain glands, of the viscera, and of the general condition of the carcass is sufficient to enable an expert, engaged constantly on this work, to detect at once the presence of disease, or of abnormal conditions. On the slightest indication of disease or abnormal conditions the carcass is tagged and set aside for a later and more careful examination. There should, however, be more precautions taken to insure that the instruments used be kept antiseptically clean.

Microscopic examination.—The microscopic examination of hogs to be exported to Germany appears to be made with great care, and it may fairly be asked why the same inspection is not made of hogs killed for the American market. The statement that ham, pork, and sausage, that are frequently eaten raw in Germany, are not so used in America, is not strictly true. Large numbers of our foreign-born population eat ham and pork comparatively raw, and hence need this protection; and further, much of this pork goes into sausage to be eaten without being cooked.

Number of inspectors.—The present number of inspectors is certainly inadequate, as the Secretary of Agriculture has often complained. We noted that some large establishments had an obviously insufficient force. A few small concerns have no inspectors at all, and may sell uninspected meat wherever they please in the United States.

VII.—Legislation.

1. Examination before slaughter is of minor importance and should be permissive instead of mandatory. Examination after slaughter is of supreme importance and should be compulsory.

2. Goats, now exempt from inspection, intended for foreign or interstate commerce, should be included in the list subject to the inspection of the Bureau of Animal Industry, and should be equally controlled by the regulations of the Secretary of Agriculture.

3. The examination of all meat products intended for interstate commerce at any stage of their care or treatment should be consigned to the Bureau of Animal Industry, and no mark or sign declaring that inspection has been made by Government officials should be allowed on any can, box, or other receptacle or parcel containing food products unless the same has been subject to Government inspection at any and every stage of the process of preparation, and all such labels should contain the date of issuance, and it should be a misdemeanor to erase, alter, or destroy any such labels. Meat products and canned, preserved, or pickled meats, when sent from any packing or canning establishment, if returned to the same, should be subject to such further inspection, regulation, and isolation from other meat products as the Secretary of Agriculture may prescribe.

4. Power should be given to the Secretary of Agriculture to make rules and regulations regarding the sanitation and construction of all buildings used or intended to be used for the care of food products for interstate or foreign trade, and to make such regulation as he may deem necessary to otherwise protect the cleanliness and wholesomeness of animal products prepared and sold for foreign and interstate commerce.

5. It should be forbidden to any person, firm, or corporation to transport or offer for transportation from one State to another any meat or meat food products not inspected and labeled.

General suggestions.—1. The number of inspectors should be largely increased, so that special assignments may be made for night inspection, for the examination of animals at the platforms of stock yards, for the following of dead animals to their alleged destination, and for other special work.

2. Special Government inspection should be carried on continuously to prevent violations of the law and general abuses in the trade, and to secure evidence when necessary.

3. A careful study of the standards of inspection in other countries should be made, and the results of the study should be published and circulated for the public information.

4. Consideration should be given to the question of specific labeling of all carcasses sold as fresh meat, which, upon examination after slaughter, show signs of disease, but are still deemed suitable for food.

JAMES BRONSON REYNOLDS.
CHAS. P. NEILL.

WASHINGTON, D. C., June 2, 1906.

WEIGHING OF THE MAILS.

Mr. OVERSTREET. Mr. Speaker, I move to suspend the rules and pass Senate joint resolution 54, with the House committee amendments.

The Clerk read as follows:

Resolved, etc., That on account of the earthquake calamity in California on April 18, 1906, the Postmaster-General is hereby authorized and directed to use the average daily weight of mails ascertained during the successive working days from February 20 to April 17, 1906, both inclusive, in adjusting the compensation, according to law, on all railroad routes in the fourth section for the transportation of mails during the quadrennial term beginning July 1, 1906, notwithstanding the pro-

vision of the act of Congress approved March 3, 1905, requiring that the average daily weight shall be ascertained by the weighing of the mails for such a number of successive working days not less than ninety.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

CONSTRUCTION OF WHARVES, PIERS, ETC., IN LAKE COUNTY, IND.

Mr. CRUMPACKER. Mr. Speaker, I move to suspend the rules and pass House joint resolution 162, authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan, adjoining certain lands in Lake County, Ind.

The Clerk read the bill, as follows:

Resolved, etc., That the owners of those parts of the property known as sections Nos. 15, 16, and 22, township 37, range 9 west, Lake County, Ind., abutting on Lake Michigan, be permitted to fill the whole, or such portion as they may elect, of the bed of Lake Michigan adjacent to such property, and within the boundary established by the extension of such section lines, out to a depth of water not exceeding 25 feet, and that such owners may be permitted to build wharves, piers, and such other structures as may be useful for occupancy or to promote navigation inside of and out to such 25-foot line: *Provided*, That the owners thereof shall present a map showing the line to which they intend filling and complete plans to the Secretary of War and Chief of Engineers, and until they shall approve the same this permission shall not be effective: *Provided further*, That this permit shall not conflict with any law or statute of the State of Indiana, in which said property is located.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MONUMENT TO COMMODORE JOHN BARRY.

Mr. MCCLARY of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill (S. 86) for the erection of a monument to the memory of Commodore John Barry.

The Clerk read as follows:

Be it enacted, etc., That there shall be erected in the city of Washington, D. C., a statue to the memory of Commodore John Barry; and for the purpose of procuring and erecting said statue, with a suitable pedestal, and for the preparation of a site, the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of a commission to be composed of the Secretary of War, the Secretary of the Navy, the chairman of the Committee on the Library of the Senate, and the chairman of the Committee on the Library of the House of Representatives.

Sec. 2. That the commission herein created is empowered to select a site for the statue authorized by this act on ground belonging to the Government: *Provided*, That said statue shall not be located in the grounds of the Capitol or Library of Congress.

The SPEAKER. Is a second demanded?

There was no demand for a second.

Mr. BRICK. Mr. Speaker, the time has at last arrived to do justice to brave old Jack Barry and to ourselves.

The true history of the world is told in the lives of the great men who have lived and struggled, worked and wrought, and suffered in it.

Men whom we revere for what they did and love for what they felt.

The real nobility of a people dwells not so much in numbers as it does in the emulating memory of the hero.

Exultant destiny is heroism made known to every son of hope.

Heroism taught by the printed page that childhood spells in the morning flush of the heart's best day.

A heroism that looks down from the cherished picture on the wall of garret and cottage and mansion in daily inspiration of truth and honor.

The heroism of the memoir enshrined as man's best friend on the open shelves of honest thought.

And then, again, heroism born and bred in the sculptured bust that fills a consecrated niche of high resolve.

And the statue in the park—it issues from the shades of sleep to become at once a resurrected ideal of subtle art and touching valor.

No power of earth can stay the hand of time; but with the statue the man himself walks out upon us through the parting veil of the changeless past; to people, the brain of now with visions of the virtues that have been.

The busy multitude may not go over with him, the long journey.

But they will, though it be unwittingly, stumble across his path.

They will, this day and another, look up into his face, and, without knowing it perhaps, carry away with them the indefinable something that makes men good and true and brave.

He was a steel engraving; but at last he is a personal friend and neighbor.

He was dead before, embalmed and buried between the leaves of a forgotten book; but now they know him—his form and figure has made him real—his countenance reveals the consummate glory of an age gone by and which has come back to us, the mute fingers strike the stringless lyre of the dead years in silent strains of tender thought, to be carried home in lingering memory, there to dwell through all the nights of doubt and fear and failure, despair and death; through all the happy morns of joy and love and hope and glad success.

And such is life—we feel our way into the future over the trodden paths of yesterday.

A babe is born, he plays awhile to laugh and cry; a flower is planted in his heart, and from the rooftop of a vine-clad home there comes the wondrous melody of love's sweet song.

A star appears to lead him on to deeds and glorious day; and then a shadow falls, as fall it must to each and all—the world is touched with a sentiment, a tear, and a new idea.

The book, a picture, the statue, and the star still shine. For the heart it will live on forever, though the song, the tree, and the flower have long since died.

Now, in the days when America's fair fame encompasses the earth, and her fleet's the pride of the ocean, let us not forget the story of the fathers, stately and stainless, who have builded the glory and honor, the dignity and immortality of the Republic.

One distinguished character may cover a whole peoples' brow with unfading laurel; one great name may fill an age with Every generation breeds in its own mysterious way a dreamer of ideals, or perhaps a breaker of images, or it may be a pioneer of thought blazing a trail.

And then by chance it may evolve a mighty captain to raise a new flag in the glad sky.

And so it happened that about one hundred and sixty-one years ago John Barry was born.

He first opened his wondering eyes in an humble cottage thatched with straw, beneath the spreading branches of an immemorial rooftop.

I can see it now, unfolding a quiet and peaceful scene of pastoral beauty, a dreamy lake, the still wide waters of the bay, the undulating fields that spread about, an emerald sward melting far away into the violet hills and the depths of blue.

And in the center of it all the tree and the little home, filled with love and kindness, where all the day was work, and when the dusk came down to mingle with the light, the man, but not the master, by the side of a loving wife, listening to the song of childhood's laughter, watched the sun go out of the dying day.

And this was where John Barry was born, in the county of Wexford, Ireland.

No stars fell on that night to mark the unheeded event.

No courier of fashion heralded his birth to the neighborhood.

He was simply a child of common fortune, born to a modest, God-fearing, honest tiller of the soil, in the midst of the idyls and tragedies of Ireland, the brightest, strangest, and saddest of all time.

It did not occur to anyone just then that all the proudest progeny of the world have stooped to kiss the brow of mother earth and gather manly strength.

That, like the soil, whole families may lie fallow for ages to incubate, and then burst forth in the resplendent flower of genius.

The chemists of the earth, the searchers of the mind, have not yet fathomed the secret and cunning essence of the magnificent thing we call the human heart.

Nature always conceals the detail, but everywhere unveils the monumental fact.

So far as it is known, no blood of royal blue coursed the veins of John Barry; it was all red, and, to his credit, it never changed its color down to his dying day.

And yet he so lived and labored in unflinching faith and unflinching courage that when the last hour shall come, when the long roll is called, Ireland, redeemed and free, will stand up in imperial grace with a greater pride than did the old Roman, and say, "I thank God that I am the mother of John Barry;" and there by her side will be America, clothed with laurel and liberty crowned, with her outstretched hands of kindly jealousy, to proclaim in the pathos of rival tones, "Commodore John Barry belongs to us."

And in the glory that encircles the name of that splendid captain the Red, White, and Blue and the green and gold are entwined together in a common sympathy that shall linger beyond all the graves and through the shades and into the dawn.

How did it all happen?

What strange and shadowy power, what mystic, incomprehensible tide cast up this child of circumstance from an unknown sea to uplift humanity?

Here we are with nothing to say.

We come without consent and leave under protest.

We live in a narrow vale.

The dawn is a dream and the evening dusky hope.

But I do not believe in the utter fickleness of fate. I believe that in the boundless sweep of matter each man and woman and child is a cog in the great wheel of revolving destiny.

I believe that every act and deed, thought and word is an evolution, and that every condition and sentiment of life is formed and fashioned out of something that has gone before.

And so it comes to each of us as it did to John Barry. We are here through the intelligent will of the Creator. We are here a cog designed to fill a niche.

Shall we fill it well or ill? That's the question.

Shall we advance the measured harmony of the onward move by our birth, or shall we, by delaying sloth, create an ignominious discord in the universe?

Some men solve that mystery gloriously.

An unseen and inexplicable something incites the soul to perform a precursored mission, and we have the discovery of the Western Hemisphere by Columbus or the creation of an ideal freedom there by John Barry and his fellows.

The boy is the father of the man—that is plain to all—but at the same time every man is the child of his environment.

One day, in the afternoon of his life, a distinguished warrior went back to the old times again.

And while there watching the schoolboys in their playground sports, at the same old place where he had years ago fought and failed and sometimes came out victor, the Duke of Wellington turned to his friend and said:

It was there the battle of Waterloo was won.

Waterloo, the synonym of colossal egoism and of its ultimate downfall everywhere.

Its soothing syllables hardly die upon the lip when the name of Napoleon comes without calling.

I see him now on the Isle of St. Helena, statuesque and remorseless, with folded arms and relentless face, unmoved by any thought of all the red carnage of conflict, the maimed and the dead, the guns that lay broken with the heart of the mother, the swords that were rust in the tears of the orphan, the graves that were dug, and the hopes that were buried, all for his glory.

And then my thoughts go back to the year 1784, when, at the age of 15, Bonaparte climbed the weary steps to the mean quarters of his attic chamber in the military school of Paris.

The first thing that met his view, bescribbled in charcoal on the whitewashed wall, was the character of his predecessors in three signed inscriptions. They were:

An epaulet is very long to win.

The finest day in life is that of battle.

Life is but a prolonged lie.

Napoleon read them and then added a fourth sentence, the last of the chapter:

The end of all is 6 feet of earth.

And it was there the battle of Waterloo was lost.

Just one more bit of life to round the thought.

There once lived a poor boy reared in a land big in men and large in brain. A land where liberty was the birthright and tyranny the legacy; where the Government forsook its traditions and statesmen forgot their manhood.

Where the ruthless hand of man purloined the pen of Magna Charta to write desolation, ruin, and misery in the statute books of a great, strong, brilliant race, a whole race of big-hearted, bright-minded, affectionate people.

Where the powers of might wrung from unwilling submission an enforced tribute and then beggared the subject, starved the body, impoverished the intellect by coerced ignorance, and with infinite cruelty filled with tears the myriad eyes that should have been as blue and bright as the sunlit skies of Innisfail.

The lonely wanderer inherited no rich bequest of learning from governmental bounty.

Nor could he in after years go back to the playground of a school day filled with prophetic memory.

He was educated by want and self-reliance; by flower and field; by cloud and star; by all the wrongs and woes of his tortured land; by the sorrows that bleed and the agonies that sear; by the wind-swept wave, and the ebb and flow of the untired sea, ever sounding in the human heart that eternal longing for the freedom of its unmeasured reach—the endless music of the Infinite's sublimest anthem of the free.

This was his university, except that over his cradle, gilded by no canopy of pretense, there hung the sweet face of her who never sleeps when childhood needs her care. And as he grew, her loving arms about his neck, murmuring soft and low with

mother's lips an inspired song that old ocean in his grandest mood could ne'er express.

And this was the cradle in which American liberty was rocked, the academy of its growth, and the playground of its victories.

Yes; man is the offspring of his surroundings.

Deprived of fundamental sustenance he hungers for it with all the consuming passion of starving life.

Liberty is the constitutional gift of the Almighty everywhere.

Without it all the wasting days are but the solemn echo of sad memories, freighted with the wrecks of human hope and the thoughts of joy that might have been.

John Barry belonged to a race of unrequited destiny, who love liberty stronger than life, and whose sons and daughters rather than wear the servile badge are scattered far and near in every land and on all the seas.

At about the age of 15 Barry turned his face toward the dawn and said good-by to home and friends, to Erin, the green banner, and the golden harp.

Forever after his home was the sea and America his country.

Through all the troubled spirit of the times, through all the gigantic struggles of an almost hopeless contest, he fought by the side of Washington with more than mortal valor—battling with him to light a torch below and set a new star in the firmament above.

In the fierce fires of seven ensanguined years of heroism, unsurpassed and rarely equaled, they did kindle a spark that gave to man about the only thing worth living for—his full and unrestricted conscience, tolerance of equality, fraternity of thought, the enfranchisement of reason, and a Republic which places him above the government—a Republic whose chiefest honor lies in the happiness of the average citizen, where worth is aristocracy and work the final test of rank.

They did rear a torch which threw a shadow around the throne, lighted a rainbow in every tear, and illumined all mankind in the sovereignty of justice, the sanctity of labor, the matchless possibilities of human endeavor; and the flag that floats a benediction over every stalwart son that stands beneath its folds.

And now, Mr. Speaker, I am talking to you with grateful word for a good man gone.

Five score years and more have passed since the majestic stream of Commodore Barry's life hurried away in the sunlight, in the moonlight, beneath the storm and beneath the sky, to join the azure sea he loved so well.

For the ocean is always calling, and the rivers are ever flowing over the golden bar and into the twilight tide.

The country of his lifelong devotion is his grave; his deeds are an ample monument, and he needs no other; but we do in justice to ourselves.

We owe England a debt of gratitude for the men she banished.

Oppression always exiles the best.

And it came about that Great Britain in those days impoverished her proudest citizenship to enrich the wilderness.

She drove from their hearthstones the men who dared to think and who believed they had a right to tell their thoughts; the men who had the courage to act, and a pride that refused to bend the suppliant knee save in the presence of their Maker.

When you read the epic drama of things human in the celebrated history of the nations dead and gone you will find all such regal souls had vanished like a dream just before decay set in.

If the Republic shall ever become a tradition of fading memory, like Carthage, Greece, and Rome, it will be because we have forgotten—forgotten the honest, rugged character of the "noblest men that ever lived in the tide of times."

Now and then a being comes down to us possessed of a clairvoyant something, whose unfettered spirit leaps all the barriers that fortress and confine the mind, to capture knowledge on every field of exploit.

And for want of a better name we call it "genius."

It follows no rule. It obeys no law.

A brilliant, occult, unfixed star that flashes across the dark places and conjures up intelligence out of chaos.

But nature never used a meteor to make a world or found a state.

And it made its real statesmen out of a full rounded character, too well poised to be called brilliant, too slow to excite the imagination, too steadfast to ever jar the mind in wonder, too patient and commonplace, too human and universal, to touch the singing chords of romance and turn a single unusual act into a battle hymn or national anthem.

No; the stars will continue to glorify the shades, the queen of night will forever shed its reflected rays, but the unrivaled

sun drowns all the splendor of contrasts with its undeviating glow, that fills the breadths and depths of every horizon.

And such is the genius of men like Washington and Barry, too broad and elemental, too plainly useful in perfected symmetry to startle the senses. They were the state builders, the creators of an epoch. Their every thought breathed undying devotion, their every act spoke, "duty, stern daughter of the voice of God."

We know a man by the friends he makes.

Great men have friends who are good.

Washington refused to meet Talleyrand and shake his hand, first, because he was a refugee from France, and Washington was President of the United States; but that was not all; second, because Washington was an honest, sincere man, who hated the treachery of craft, who despised the perfidy of intrigue, and all honors bought with the loss of self-respect—they never met.

We love Washington and call him father.

He was the admiring friend of Commodore Barry.

Washington was his friend, and he admired him because John Barry was pure in heart and live oak to the core; because he was the truest, manliest type of a Christian soldier, as spotless in private honor as he was great in the discharge of his duty; because he was a man of sleepless energy, who was brave and cool whenever and wherever danger summoned; a dauntless warrior, whose kindly nature tempered a firmness that never knew defeat.

And so it was when the crucial time arrived, when Great Britain had marshaled her veteran armies, her unconquered navies, to wring an unjust tribute from her protesting colonies, and when all but men of oak and iron, who were willing to say, "give me liberty or give me death," would have called resistance unutterable folly, it became the last and only hope of success to have officers with sound judgment and consummate skill, whose experience and valor, whose courage and loyalty, were beyond all doubt.

In the quest of this responsibility Congress, through Washington, discovered in John Barry the rare possessor of all these qualities and enlisted his lifelong services in one of the first naval commissions.

The supremest test of generalship is the ability to know and have faith in men.

Lincoln found Grant, and no poisoned shaft of envy, no barbed arrow of slander, could drive him from his side. Both are now dead, but the Union survives and their names are written in the stars.

Hood and Wellington had the brain to believe in Lord Nelson.

His battle of the Nile drove Napoleon out of Egypt, a dreary failure. His dying victory at Trafalgar swept France from the ocean. After that came Waterloo, and England was mistress of the seas, the autocrat of nations.

And so Washington had the genius to know Barry.

He first met and marked him with discerning favor at the home of Meredith, in Philadelphia.

Barry was at that time the captain of the *Black Prince*, at the age of 25, and Meredith was the owner.

When revolution was decided upon Washington fully realized the stupendous character of the undertaking, an enterprise which was destined to test not only the highest powers of military genius, but a superb moral courage which must needs bulwark the almost insurmountable difficulties that threatened many times to deprive martial prowess of its fairest opportunities.

And early in the Titanic struggle Washington recognized that ultimate victory rode upon the ships that ruled the sea and dwelt in the heroic breasts of the men who commanded them.

The price of supremacy in the naval warfare of that unequal conflict meant that indomitable pluck, quick perception, and splendid patriotism must take the place of mere brute strength and animal courage; and this was what he thought upon the subject, as told in a letter sent to Lafayette:

In any operation and under all circumstances a decisive naval superiority is to be considered as a fundamental principle and the basis upon which every hope of success must ultimately depend.

Naturally in the extreme necessities of a time that "tried men's souls" and which meant liberty or death, when he needed a man to tie to and to win with, his mind immediately went back to that brave Irish boy captain he had met at Meredith's, and to whom he had given his faith in mental silence those years before.

He made him captain of the *Lexington*, which was the first boat actually put to sea for liberty, under authority of the Continental Congress in the forepart of 1776.

Captain Barry accepted the commission with patriotic gladness, and from that time forward until death claimed him he

fought for the cause of the oppressed colonies and took a distinguished part in all the unspeakable vicissitudes of his adopted country.

To use his own language, he gave up "the finest ship and the first employ in America and entered the service of his country."

He never abandoned that service until, wrapped in the flag, he went to a reward that knows no sound of strife and means immortal honor.

His fame does not rest on a single splendid day of crowning glory, but on long and weary years of self-forgetting sacrifice.

His honor does not lie alone in the glare of brilliant and startling achievements, but on a whole life of toil, of heroic act, and sometimes of martyrdom.

And no American patriot ever breathed a more devoted prayer of inextinguishable loyalty for his country than animated the breast of Commodore John Barry.

At one time when the metropolis had fallen into the possession of the British, when the enemy had triumphed and the best friends of America began to despair beyond expression, General Howe, believing Barry to be the most important naval factor against the successful progress and issue of the English arms, authorized an offer to the commodore of what amounted to \$100,000, and the command of the best frigate in the British fleet.

Barry spurned the outrageous insult with all the indignation of injured patriotism and assaulted virtue.

This was his immortal answer to the insolent Britain:

I have devoted myself to the cause of my country, and not the value and command of the whole British fleet could seduce me from it.

Yes, Washington was Barry's friend and admirer. Barry had more than equaled his fondest expectations and unmeasured confidence.

On the occasion of one of his greatest and most signal triumphs, which has been characterized by an eminent naval expert as an achievement that for boldness of design and dexterity of execution was not surpassed, if equaled at all, during the war, Washington with evident pride and certain friendship, wrote these memorable sentiments:

I congratulate you on the success which has crowned your gallantry in the late attack upon the enemy's ships. Although circumstances have prevented you from reaping the full benefit of your conquests, yet there is ample consolation in the degree of glory which you have acquired. With my wishes that a suitable recompense may always attend your bravery.

And from that day to this the world has not given the Christian, sincere, brave, honest, modest Jack Barry the "full benefits of his conquests" in the founding of the only true Republic that ever existed nor the "suitable recompense" that has belonged to him all these years.

But the gods are just, and time is the instrument of Providence that solves all problems and decrees all justice.

Judged by his unrivaled services and the eminent creative qualities of his long and patriotic career, Commodore Barry was the real father of the American Navy we have to-day.

True, the annals are full of glorious deeds that must have inspired the final outcome beyond all question.

Yes; there were giants in those days. They were all fathers, and they have bequeathed us the richest legacy of all the dead—of all the dead that have just begun to live and whose memory will never die.

Every one a son of freedom and the defender of human rights.

But every great idea, every distinguished event, has had a first and original fountain head, from which has flowed the ever-widening stream that sparkles in the lives of men.

It may be that John Adams should be given the honor, if fatherhood is to be bestowed upon anyone.

He was the man of all others in Congress who best comprehended what seamen could do in defeating their enemies.

He was the one man most potent of everybody who pushed through the act establishing the Navy of the Revolution, whose intrepid doing had so much to do with the fate of the colonies.

If it be John Adams, then, I say, it would be worse than dishonor to deprive him of it.

Under that act, inspired by John Adams, Barry was commissioned captain of the *Lexington*.

He was the first to put to sea; the first to fly the colonial colors by its orders.

And within a few short weeks, amidst a superior and hostile force, in a wide and dangerous field, he defeated the enemy after a spirited contest, and captured the first prize of any vessel of war by a regular American cruiser in battle.

But no one would venture this as a reason, taken alone, to assert that he was the fountain head of our Navy.

But with a spirit that could not be subdued and an energy that refused to be rested he was again in the thick of the fight, and again had engaged the foe with such valorous onslaught

as to win the praises of his commander in chief in those memorable words of Washington.

He was then given command of the *Effingham*, one of the largest men-of-war built at Philadelphia under the act fostered by John Adams.

While in this ship Barry made a most notable capture, filled with daring courage and consummate strategy.

To illustrate his splendid courage and valiant disposition, when he received orders to destroy the *Effingham* to prevent her falling into the hands of the enemy he at first refused with characteristic sailor bluntness, saying he could defeat them, he was there to fight, and not to sink his gallant ship.

Then he fought with Washington on land in the Jerseys till he was ordered to the command of the *Raleigh*.

So zealous was he in the cause of his country that rather than lie idle when fighting was to be done he volunteered and served as aid-de-camp in Jersey till another ship was furnished him.

Later he was placed in command of the *Alliance*, considered the stateliest ship of the American Revolutionary Navy, in which he fought with many victories and renowned valor.

It was upon the *Alliance* that the last action of the Revolution took place, which was described at the time as a most brilliant exploit, unsurpassed in the war.

In this action Barry was seriously wounded, and while below they reported to him that his colors were about to be struck. No, said he, "if the ship can not be fought without, I'll be carried to the deck." When his sailors knew he was to be with them, they fought with redoubled fury. Their battle cry "We'll stick by Jack."

Within an incredibly short time the enemy had struck, and Captain Barry was a victor's victor.

His individual spirit had put a flag of triumph over defeat.

It was here the splendid magnanimity of his heroic manhood was most conspicuously displayed. When Captain Edwards was conducted to the cabin of the commodore he presented his sword to Barry, who immediately returned it as a testimonial of what is in the heart of one brave man for another.

Commodore Barry observed at the time "that Captain Edwards richly merited it, and that his King ought to give him a better ship." But the King had no hopes of other ships in that contest; this was the closing glorious naval fight of seven long years of glorious warfare—fraught with the world's largest hope. And Barry was there at the close.

In a fight he made in the Mediterranean, Captain Vaughan, commander of the British frigate, with the frankness of a generous foe, confessed that he had never seen a ship so ably fought as the *Alliance*.

Barry served all through the Revolution.

His career began with the infancy of the Navy and ended in its full reorganization.

With the *Lexington* he made the first fight, and with the *Alliance* the last.

His name shines on all the pages of Revolutionary history, filling them with his brilliant services and remarkable victories.

Still, this may not be enough to call him father.

Cooper has pathetically related the end of it all, "It remains only to say that the Navy of the Revolution, like its Army, was disbanded at the termination of the struggle, literally leaving nothing behind it but the recollections of its services and sufferings."

But Barry did not go.

He was an Irish patriot; in his book of faith there was no such word as disband. After the termination of hostilities the country needed him above all others, and he still remained in public service.

Washington was President and the friend and admirer of John Barry, who was, of all the naval captains that remained, the one who possessed the greatest reputation for experience, conduct, and skill.

And Washington knew this.

He with Adams also knew that we must have immediately a strong and dominant Navy. That it must be a Navy of the highest standard of warships in the world at that time, combining everything that was new upon the subject and everything of novel force and effect that could be devised from the young and buoyant brain of the new Republic. The first thing Washington did in the consummation of these plans was to give a commission of what amounted to commodore, or commander in chief of all the American navies, to John Barry.

And under him Congress authorized the immediate building of the infant Navy.

He was authorized and instructed to supervise and reorganize a more powerful armament.

Six ships were provided for.

Mr. Humphreys, of Philadelphia, and Barry, with whatever advice they could get from all sources, finally settled on the models.

The new Navy was constructed on these plans and under John Barry's watchful guidance and supervision.

It contained, when built, the best warships of the world.

They were the model battle ships of that time, and Humphreys, the shipbuilder, and Barry, the commodore, the master minds.

This new Navy was composed of the *United States*, *Old Ironsides*, *President*, *Chesapeake*, *Congress*, and *Constellation*, the most famous battle ships of the war, that encountered the cruisers of the French, and later the English in the war of 1812.

They had no naval schools in those days.

Our great captains learned their skill by experience and from the example and inspiration of their commanders.

Under Commodore Barry had served Dale, and following the Revolution Jacob Jones, Decatur, Bainbridge, Charles Stewart, Somers, Barron, Mullany, in fact, directly and indirectly all the great commodore heroes of the later wars.

This new Navy was the beginning of our present Navy. It was the model till iron and steel took its place.

Barry was the proud inspiration and naval exemplar for the brightest names of the sea that illuminate our flag down to the civil war.

And now I have given the reason why I say, Mr. Speaker, that Commodore John Barry is the actual father of the American Navy.

His name is one of the purest and brightest among the galaxy of pleiads that swept the sea for liberty and for us.

Mr. Speaker, let us become as true and loyal as he was great.

He, with blameless life and godlike act, has builded a noble pedestal. Let us make honor with ourselves by keeping his memory forever green around the statue we have placed upon it. [Loud applause.]

Mr. DRISCOLL. Mr. Speaker, the eternal fitness of things is here being observed. This is a very appropriate occasion for the passage of this and other monument bills, which cause us for the time to turn our eyes from the present and the future and pay the nation's tribute of respect and honor to the lives and deeds of the great and good of former times. The fading flowers still lying on our late colleague Adams's desk remind us that after an active, busy, useful career he became weary of life and chose, before his call, to enter the great beyond, the unknown and unknowable mystic realm whence no traveler returns. Also that the angel of death has come again and summoned from his home and friends a distinguished Senator of the United States, and in respect to whose memory and services the House is soon to adjourn. These warnings are impressive and lead the mind to more solemn and serious thoughts and quicken the conscience to a keener sense of duty and obligation. The man endowed alone with intellectual capacity for success in business affairs is not the highest type of the human family. Without some of the finer and more modest tastes and virtues his life is frigid, and he can not afford much comfort to his companions. The heart as well as the head should be educated. It should be developed, refined, ennobled, and uplifted. Sentiment is a sweet and wholesome trait. A people devoid of it have but little hope. They may prosper for a while in material things, but as a nation their standards can not be high and noble, and as individuals they are strangers to many of the keenest pleasures and sweetest joys. Our country is rich and prosperous. Its income is large, and thus far we have been making liberal appropriations for the expenses of the Government and the development of our boundless natural resources that more wealth may be created. This practical business we now lay aside for the hour and engage in a little legislation for the sake of pure sentiment.

Looking backward is not a mistake. Hero worship is not a fault. The principles on which the great Republic was founded should be preserved, and the heroes who created the nation should be blessed and honored, and even idealized, as examples to the living. By our action here to-day we but feebly express the nation's gratitude and high esteem for a few of the distinguished dead who subdued the wilderness, achieved the independence, and adorned the literature of the American nation.

Nearly three centuries since, when Europe was in the throes of a religious revolution, and rulers strove to regulate the views and chain the consciences of men, a little band of resolute, rebellious souls, fearing naught but God, embarked in a frail and tiny craft. They bade farewell to relatives and friends, sundered all their sweet associations, and sailed away to seek their fortunes in a land unknown where worship might be free to them. They braved the dangers of an uncharted ocean, and landed on the forbidding shores of a savage wilderness. There they estab-

lished a colony and called it "home." They were earnest, honest, bold, religious folk, fitted to the times, the climate, and the soil. Their virtues were severe and militant. They hewed their way into the primeval forests, opened schools, erected churches, and founded colleges, and laid the foundations of a vigorous, active, and enterprising civilization. To-day we provide for the erection of a stately shaft at Provincetown to immortalize their deeds and mark the spot where first they knelt and sanctified the soil.

Later on in the tide of time other white men came from the swarming hives across the seas and settled on our eastern shore—some for gold, some for conscience sake, and some for license. They were bold and fearless freedom-loving men, and jealous of their rights. The progeny of the *Mayflower* Pilgrims multiplied and prospered, and their influence and power spread beyond the limits of the Old Bay Colony. The compact signed in that good ship's cabin before they put a foot on shore was guarded as sacredly as the Jews protected the Book of Laws in the Ark of the Covenant. That was the first declaration of constitutional government in the New World, and served as a guide and inspiration for the great Charter which was to be. It came, and eight years of frightful war in its defense.

Britain was determined to crush out the rebellion, and considered neither men nor means. The colonial volunteers were sorely pressed, and the patriots' cause was languishing. Even the resolute soul of the great Commander in Chief was sad and filled with doubts and gloomy forebodings, when the battle of Princeton was fought and won. The enemy was driven toward the south, and the troops were inspired with fresh hope and courage. It was one of the decisive engagements of the war. By our appropriation here a monument will be erected to signalize that field of Mars and memorialize the brave and valiant heroes of that fight.

Kings Mountain was one of the most brilliant, complete, and decisive victories of the Revolution. The enemy had swept over the lowlands of Georgia and the Carolinas, and was marching toward the highlands in the west to complete the conquest of those States, when the resolute mountaineers rallied to the encounter in defense of their homes and native heath. They repulsed, pursued, surrounded and killed or captured the British commander and all his royal troops. Cornwallis was frightened and beat a retreat, and the patriots of the Southland were electrified into new courage and more stubborn resistance. The tide of battle was there turned. It was the beginning of the end. We honor those resolute heroes, officers, and enlisted men, by providing for the erection of a fitting monument to their valor and glory.

A great nation must have literature as well as heroes, poets as well as patriots. Achilles would not have come down to us from the distant past as the beau ideal of dauntless chivalry had not Homer lived and written his great epic. What Burns is to the Scotchman, and Moore to the Irishman, Longfellow is to the American. He caught the traditions and melodies which were floating in the air and preserved them in beautiful immortal verse. He is the favorite of our youth, the joy of our advancing years, and the delight of all of his true-hearted countrymen. If not the greatest, he is the most beloved of all our poets. We are too parsimonious in our treatment of his claims. However, by this little appropriation a pedestal will be provided for a monument to be erected by his friends to the memory of Henry W. Longfellow.

Our countrymen have always taken a lively interest in John Paul Jones. He was a Scot by birth and a seaman by profession. He inherited a large plantation in Virginia, adopted an American patronymic, and espoused the cause of the Revolutionists at the commencement of the war. He was a soldier of fortune, a knight errant, who loved war for the sake of strife and courted the excitement and danger of battle. In America he enlisted under the standard of freedom and equal rights to all, and when the war was over he entered the service of Russia, the most despotic Government of Europe. The King of France made him a Knight of the Order of Merit, and the Empress of Russia conferred upon him the ribbon of St. Anne and granted him a pension from her bountiful treasury. He spent the remainder of his days amid the gayeties of the fascinating French capital and died in Paris. His guiding star was glory, and susceptibility to flattery his besetting weakness. His was an attractive, charming personality, and he was as brave, brilliant, and masterful as he was vain and spectacular. He acquired a fair knowledge of Spanish and French and was highly accomplished for a man of his early limited opportunities. He was able and resourceful and rendered invaluable assistance to the colonial cause. He was at home on the sea and a deep-water fighter. He carried the flag of the young Republic to the shores of Britain and caused it to be feared and

respected. He bearded the lion in his lair and never gave nor asked for quarter, while he observed the rules of civilized warfare. His capture of the *Drake* astonished the French marines, who were astounded that a British sloop of war could be beaten by an inferior ship and equipment. The victory of the *Richard* over the *Serapis* was perhaps the most brilliant achievement in the annals of naval warfare. He attracted attention, and history has done him justice, and his reputation has been growing with passing years. Our people are disposed to recognize his splendid service and remarkable attainments, and we rejoice to do him honor. Although he chose to live and die abroad, we have just appropriated his remains and buried them at Annapolis with imposing national ceremonies, and as a further tribute of respect and gratitude the Congress directs that a costly monument be erected to his memory in the capital of the nation.

This day's record in commemorating some of the notable events and men of our early history would not be complete or acceptable to the country's sense of justice without a provision that an appropriate monument be erected to the honor and memory of that skillful seaman, determined fighter, able commander, worthy citizen, and incorruptible patriot, Commodore John Barry. During the Fifty-seventh Congress I introduced a bill for the erection of a monument in the city of Washington, to bear this significant inscription:

Erected to the Memory of John Barry,
Father of the American Navy.

Having failed of passage, I introduced a similar bill at the opening of the Fifty-eighth Congress, and again in this Congress, and have declined to modify it by omitting the above inscription. I now rejoice that the bill, in its general terms, receives the unanimous approval of my colleagues, but regret exceedingly that the distinguishing epitaph is not retained.

However, as he was patient and unassuming, so his admirers must follow his example and accept with due appreciation and gratitude this honorable tribute to his life and services. Time and eternal justice right all things. His monument will be erected in one of the beautiful parks of our capital city, where visitors will see it and inquire about him. The original records of our country's early life will be examined. The facts will be developed. Full and impartial history will be written and read, and Fighting Jack Barry will be enshrined in the grateful hearts of future generations as the father of the American Navy. Too much have his lofty character and splendid services been obscured by superficial and unappreciative analysts of modern times. Too long have his fair name and fame been neglected. But this bill and the monument will bring his personal character, his eventful career, and his remarkable victories in the cause of the struggling colonies into the lime light of critical examination. Then justice will be done him, and he will be assigned his proper place in America's pantheon of heroes and patriots.

Of Barry's early life little is known, nor is it very important. He was not of distinguished blood or lineage and made no pretensions. He was not heralded into this world by any popular demonstration. Indeed, so ordinary and obscure was the social status of his parents that the exact time and place of his nativity are not free from doubt. In childhood he was a poor Irish lad, one of millions who have been born in that beautiful Isle of song and story, of legend and romance, of faith and superstition, of emerald fields and somber climate, and of brave men and virtuous women. He received his early impressions in that land of plenty and poverty, fertility and famine, courage and oppression, native ability and general ignorance, and all the unfortunate contrasts and contradictions which can be produced only where a generous, warm-hearted, and determined people are sought to be governed by a system of unjust, unwise, and tyrannical laws, and where they suffer all the ills which flow from resistance and reap none of the benefits which may come from obedience and acquiescence, and where the people, by reason of their love of freedom and justice, would not gracefully submit, and by reason of their lack of national unity and cohesion were unable to shake off their chains of bondage.

Barry was born proscribed. He was penalized from birth, and driven from home by the same foolish, short-sighted policy which provoked the revolution in the colonies. Early he took to the sea, visited America and made it the land of his adoption, and the Quaker City his permanent home. By studious habits and close application he largely made up for the lack of early education, which had been prohibited by law, and by willing hands, native ability, and untiring industry he quickly rose in his profession. At 21 he was a shipmaster, and at 30 he was captain of the best merchantman in America and a prosperous man, with excellent prospects.

The revolt against the mother country and armed resistance

were by no means unanimous on the part of the colonists. Some were holding office under the Crown, and others were receiving special favors. Some were royalists at heart and believed in the tradition of the divine right of kings and that they could do no wrong. Representative government as we now understand it was at that time unknown, and the European mind could scarcely conceive of it as practical for a large and progressive country. And Americans were Europeans modified by a few years of climatic influence and political environment. Some were conservative, and were dismayed at the violent tendencies of the radical party, and a large proportion of the people of wealth, influence, and social position remained silent, inactive, and noncommittal. They had something to lose and feared the consequences. They sulked in their tents, or secretly gave aid and comfort to the enemy. Barry was not of these. He believed in the largest measure of freedom consistent with stable government. He was a Republican at heart. He hated injustice and oppression. He imbibed that hatred with his mother's milk and inhaled it with the breezes of his native heath. He had much to lose by failure, but he did not hesitate or consider results. He flung policy and discretion to the winds, and arrayed himself under the patriots' standard. He offered his services to Washington and they were accepted. He enlisted for the war, and continued the struggle in season and out of season, on sea and on land, wherever his service was most available, until the victory was won and the independence of the young Republic was recognized.

In a former speech in support of this bill I gave a fairly complete, but very condensed, sketch of Barry's life and services to his country, principally in the form of citations from original records and extracts from standard authorities of his time. They will not be repeated here; but it may not be inappropriate to state a few of the salient facts on which we predicate the claim that he, more than any other, deserves to be known as the father of the American Navy.

At the breaking out of the war he was master of the *Black Prince*, the finest merchant ship in America.

She was purchased by the First Congress, armored for war, and made the first battle ship of the first fleet, under the first commodore, and named the *Alfred*, after the father of the English navy.

He won the first naval victory of the war in the Continental service, and returned the first prize captured from the enemy in command of the *Lexington*, which was named after the first battle of the Revolution, and was the first ship that bore the Continental flag to victory on the ocean.

During the last three years of the Revolution he was the first officer of the Navy.

He fought the last battle of the war in command of the *Alliance*, the last and best ship of the Continental Navy.

He was the first captain of our present Navy.

He was appointed in 1794 and continued first in command until he died, in 1803.

When the Marine Committee, early in the hostilities, organized its most formidable fleet and appointed their captains, Barry was named far down on the list. Yet, while others were court-martialed or retired, or, being weary of the service, fell by the wayside, he constantly forged to the front until he became ranking officer, which position he retained until the end. Even Jones, after his great victory over the *Serapis*, retired on his laurels and never returned to this country.

Barry's birth, religion, and social position did not assist him, for in those times these circumstances were millstones rather than supports. He was kept on duty nearly all the time. He fought many battles, won many victories, took many valuable prizes, and was engaged in the most delicate and responsible commissions. Under all conditions he did his whole duty, and served his country with a devotion and singleness of purpose that compelled respect and admiration. His promotions were made on the merits, because his great ability and unswerving patriotism were known to his contemporaries. And when our present naval establishment was created in 1794, President Washington, the Secretary of War, and the Senate of the United States selected him and made him chief, because they considered him the fittest man for the exacting duties and responsibilities, and the most deserving of that distinction.

These are some of the facts and circumstances why his friends believe he is worthy to be named the father of the American Navy.

In conclusion, Mr. Speaker, let me say that republics are not always ungrateful. It is our high honor and privilege to appropriate the people's money for a monument to John Barry, to be erected in the seat of our National Government. The millions of his friends throughout the country, who have waited patiently for this recognition, will be delighted with our action

here to-day. It will accomplish more in fighting value than the same amount of money consumed in a few target shots by our great guns. It will be admired by generations of seamen yet unborn and will be a source of inspiration and encouragement for faithful, efficient, and patriotic service. It will quicken their pulses, nerve their muscles, and strengthen their determination for the crucial trials which may yet occur. And may the time never come when they will cease to profit by his example and emulate his virtues.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MONUMENT TO THE MEMORY OF JOHN PAUL JONES.

Mr. CURRIER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 685) for the erection of a monument to the memory of John Paul Jones.

The Clerk read the bill, as follows:

Be it enacted, etc., That there shall be erected in the city of Washington, D. C., a statue to the memory of John Paul Jones; and for the purpose of procuring and erecting said statue, with a suitable pedestal, and for the preparation of a site, the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of a commission to be composed of the Secretary of War, the Secretary of the Navy, the chairman of the Committee on the Library of the Senate, and the chairman of the Committee on the Library of the House of Representatives.

SEC. 2. That the commission herein created is empowered to select a site for the statue authorized by this act on ground belonging to the Government: *Provided*, That said statue shall not be located in the grounds of the Capitol or Library of Congress.

The SPEAKER. Is a second demanded?

There was no demand for a second.

Mr. CURRIER. Mr. Speaker, early in the Fifty-seventh Congress I introduced a bill for the erection of a statue to Paul Jones. It was favorably reported by the Committee on the Library, but failed to pass. I again introduced a bill in the Fifty-eighth Congress; again it was favorably reported by the Committee on the Library and again failed to be reached. The first day of this session I again introduced the bill. Early in this session the Senate passed a similar bill, and it is the Senate bill which the Committee on the Library reported and which is now under consideration. I spoke at some length in favor of this bill on one of the closing days of the Fifty-eighth Congress. I wish to say only a few words to-day.

It seemed to me fitting that a Representative from New Hampshire should introduce this bill. Paul Jones spent more time in the State I have the honor in part to represent than in any other section of the country except Virginia. His famous sloop of war, the *Ranger*, was built at Portsmouth, N. H., and was largely officered and manned by sons of that State. Our flag which floated over her was made by the girls of Portsmouth from their silk dresses, and it was the first American flag to receive a foreign naval salute. Paul Jones said that "the last ever seen of the *Bon Homme Richard* as she sank after capturing the *Serapis* was the defiant waving of that unconquered and unstricken flag."

Perhaps the turning point of the most marvelous sea duel ever fought was the throwing of a hand grenade from the main-yard of the *Bon Homme Richard* through the hatchway and upon the gun deck of the *Serapis*, and there is every reason to believe that this was done by George Roberts, a New Hampshire sailor.

Paul Jones was the founder of the American Navy, as he was the first man to fly our flag on a regular man-of-war, the first to receive for it a foreign naval salute, and the first flying that flag to compel the surrender of a British man-of-war. He was a sailor at the age of 12, a mate at the age of 17, and captain of a full-rigged ship at the age of 21. The American Navy was constructed and manned upon the lines laid down by him in his famous reports to the Continental Congress. Few men in all our history have rendered more glorious and important services to the country than he.

A poor Scotch boy, self-educated, and yet when he had reached the age of 25 no man in the naval service of any country at this time was better educated or more accomplished than he. He was something more than the best and bravest sailor of his time, for as a diplomat and as a far-seeing statesman he ranked high among the great men of his generation. He was a personal friend of Franklin, Jefferson, and Washington, and was implicitly trusted by them. No abler, braver, more accomplished, more devoted, and unselfish man ever sailed or fought a ship. [Loud applause.]

Mr. RAINEY. Mr. Speaker, I take this opportunity to pay my tribute of respect to this great naval hero and to refer briefly to his life and achievements. One hundred and forty-six years ago an English ship slowly made her way up a broad river in tidewater Virginia. Upon her deck stood a boy not yet 13 years old, but he had already selected as his vocation the life of a

sailor. He was born on the coast of Scotland, and his ancestors had also followed the sea. Forty years before his birth Scotland lost its independence, and the year preceding his birth the office of Scottish secretary of state at London—the last Scottish independent office—was abolished. He regarded the English as the oppressors of his people.

He was born of humble parentage, and every day in his native village there was brought home to his young mind the disadvantages attending his station in life. He learned early that in his own country men were born to positions of power and influence and that mental and physical endowments did not count for much as against the accident of birth. Early in life he learned to feel that for him the door of opportunity in the land of his birth was closed. From the sailors in near-by seaports he heard stories of a land beyond the sea where there were no distinctions of birth and where all men were equal. He heard also of the discontent which prevailed in this new land and felt that with the colonists beyond the sea he had a common cause against the same oppressor.

He eagerly embraced the opportunity of sailing on a vessel bound for Jamaica by way of Virginia. The voyage was a long and eventful one. For two weeks they were becalmed in mid-ocean, for two weeks they were aground on the banks of Newfoundland, for a week they plowed through tempestuous seas. Their provisions were almost exhausted when they reached the coast of Virginia and ascended the Rappahannock River.

We can imagine with what emotions John Paul Jones after his 3,000-mile voyage greeted the land of his dreams. It was early summer in Virginia. He was surrounded on all sides by a luxurious semitropical growth of trees; from the banks of the river came the song of birds; overhead were the bluest skies in all the world. The impression formed in the voyage up this beautiful river in the early summer of 1760 were lasting. He became then, at that early age, an American citizen. Thirty years later, when honors had been heaped upon him by other nations and when he was neglected and almost forgotten by the land of his adoption, in a letter written to the Dutch minister at The Hague he said:

America has been the country of my fond election from the age of 13, when I first saw it.

The voyage up the Rappahannock ended at Fredericksburg. On an estate near Fredericksburg lived an elder brother who left Scotland before his birth and whom he had never seen. Paul Jones immediately repaired to his residence and the two brothers met for the first time on the banks of the swiftly flowing river. In a few days the harrowing experiences of his long ocean voyage wore away and he was able to calmly view his surroundings.

Three thousand miles of ocean separated him from the land he had learned to hate. He saw here the palatial homes, the splendid sloping lawns, the great tobacco fields of colonial Virginia. He saw the easy, luxurious life of the Virginian planter. He watched the carriages roll past his brother's house, but there were no coats of arms emblazoned on the panels. There were no distinctions of rank. Opportunities were not presented to a favored few, but to all alike. In front of him were 3,000 miles of ocean with all its opportunity for adventure; back of him lay 3,000 miles of forest. Between the mighty ocean and the almost limitless forest lay colonial Virginia, with its great rushing rivers, smiling under skies as blue as any that could be found in far-off Italy. In this favored land he was tasting for the first time the sweets of liberty.

His mind was soon made up. He cast his lot with the colony of Virginia. Back of him in the forest was land to be had for the asking. But in front of him lay the great ocean, and his mind turned to the sea. He realized that in order to become something more than a common sailor he must study navigation, geography, mathematics; that he must improve his knowledge of English and acquire a knowledge of French, German, and Spanish. He decided to remain in Virginia and to diligently prepare himself for a career upon the sea.

For the next three years he pursued his studies amid the quiet of his brother's plantation. At the end of this period he was tendered the position of third mate of the *King George*, of White Haven—a stanch brig of three sails and topmast, with a crew of sixty-five men and officers—being anxious to put in practice the theories he had acquired. He accepted at once, and sailed away. For the next ten years he followed the sea. He rapidly advanced in rank. The vessels upon which he was employed were engaged in part in the slave trade. After five years of this service he became so disgusted at its enormities, which he characterized as a "violation of the rights of man," that he resigned a position as chief mate of a brigantine and returned to Scotland as a passenger on another vessel. On the way the captain and mate died. Jones assumed command, and

brought the vessel safely into port. For this service he was, at the age of 18, appointed master of the vessel he had so successfully navigated. In this vessel he made two trips to the West Indies and the American coast. His reputation as a successful mariner was now established.

His rapid rise in rank attracted the envy of older men, and the grossest calumnies were circulated about him. During the progress of the American Revolution these calumnies were kept alive, and until quite a recent period, and perhaps now, they are still believed in England. He was charged, without the slightest proof to sustain it, with engaging in the smuggling business. This in the latter years of his life he indignantly denied. He was charged with having caused his ship's carpenter to be so severely punished that he died from the effects of it. All the affidavits taken at the inquest showed that the man was never punished and that he died of a fever.

On one of his voyages he was compelled to quell a mutiny on his ship and subdued a huge mulatto with a belaying pin. The negro died soon after as a result of the blow he received. The young captain surrendered at once to the authorities and was fully exonerated. On his return to England his enemies caused him to be arrested and tried on the charge of murder. He conducted his own defense and displayed a thorough knowledge of the law applicable to the case. During the progress of the trial the King's counsel asked him:

Captain Paul, are you in conscience satisfied that you used no more force than was necessary to preserve discipline on your ship?

To which he answered:

May it please the most honorable court, sir, I would say that it became necessary to strike the mutinous sailor Maxwell. Whenever it becomes necessary for a commanding officer to strike a seaman it is necessary to strike with a weapon. I may say that the necessity to strike carries with it the necessity to kill or to completely disable the mutineer. I had two brace of loaded pistols in my belt, and could easily have shot him. I struck with a belaying pin in preference, because I hoped that I might subdue him without killing him. But the result proved otherwise. I trust that the honorable court and the jury will take due account of the fact that though amply provided with pistols throwing ounce balls, necessarily fatal weapons, I used a belaying pin, which, though a dangerous, is not necessarily a fatal weapon.

It would be difficult to more accurately state the law applicable to the case. Jones was acquitted.

In 1773, he again, this time as captain of a West Indianman, sailed up the Rappahannock and anchored below his brother's plantation. He found his brother unconscious and dying. Shortly after the arrival of the young captain his brother died without regaining consciousness. Under the will Captain Jones succeeded to his brother's estate. He turned over the command of his vessel to his first mate and stepped from the deck of a British ship into the idyllic life of a Virginia planter. He found himself the owner of a plantation of 3,000 acres, well stocked with horses and cattle, a sloop of 20 tons, a mill, a thrashing floor, and thirty slaves.

His real name was John Paul. At this time he assumed also the name of Jones. Why he did this has never been made quite clear. The story heretofore generally accepted is that the estate originally belonged to William Jones, a distant relative, who made William Paul his heir upon condition that he assume the name of Jones, and who provided also in his will that, upon the death of William Paul, the young captain should succeed to this estate provided he also assumed the name of Jones. Colonel Buell, who has written the most pretentious life of John Paul Jones, still clings to this story, in the edition of his book which was published just before his death, two years ago, and insists that he assumed the name of Jones in order to inherit the Virginia estate. Recent investigations, however, in Virginia have brought to light the will of William Paul, executed just before his death, to which is simply signed the name of William Paul, and from which it appears that he never assumed the name of Jones. This completely disposes of this theory.

Why he assumed the name of Jones makes but little difference now. It was, however, not singular for seafaring men to adopt another name in those days. Although only 27 years old, he had experienced a long career in the merchant navy of Great Britain. He had commanded some of her largest vessels. He had already made for himself a most enviable record as a British commander. We have the right to believe that he could now see in the future another career, not as commander of a British vessel, but a position in the navy of another nation about to spring into existence.

The Stamp Act had been passed and had been repealed. The house of burgesses in his own colony of Virginia had been the first to protest against unjust taxation, and Virginia was still ringing with the powerful eloquence of Patrick Henry. The late wars, undertaken largely, as England claimed, for the benefit

of the colonies, left the mother country oppressed with a national debt of \$645,000,000. In England there was a fixed determination to compel the colonies to assist in its payment, and Paul Jones knew it. In America there was a fixed determination to resist what was considered unjust taxation, and Paul Jones knew that also. The colonies were rich and powerful. They sustained a population of 3,000,000 people. The intercolonial wars had been brought to a successful conclusion. The military spirit predominated. It was apparent to Jones that war between the two great sections of the English-speaking people was inevitable. He had trained himself to be something more than the captain of a merchant vessel. He had already determined to cast his lot with the colonists. He was in full sympathy with the anti-English sentiment which now permeated the colonies. Writing to a friend he said:

I was born in Britain, but I do not inherit the degenerate spirit of that fallen nation which I at once lament and despise.

Under the name of John Paul he had been a prominent figure in the merchant navy of England. He saw opening to his feet a new career in the new navy of a new nation.

What could be more natural than that he should follow the caprice so common among sailors at that time; that he should determine to cut loose from the past as much as possible and under a new name win for himself an honorable place among the founders of a new nation? He saw his chance approaching.

Lord Nelson said:

A naval officer, unlike a military commander, can have no fixed plans. He must always be ready for the chance. It may come tomorrow, or next week, or never, but he must be always ready.

The next two years he devoted to quiet study. He made frequent visits to Williamsburg and attended the sessions of the house of burgesses. He heard the wonderful eloquence of Patrick Henry and the splendid logic of Thomas Jefferson. As a cultured Virginia gentleman he was able to meet and become acquainted with the leading men of the colonies. He became the personal friend of Washington, Jefferson, Franklin, the Lees, and Mr. Livingston. Writing in his journal of January, 1775, he said:

I availed myself of these occasions to assure Colonel Washington, Mr. Jefferson, and all the others that my services would be at their disposal whenever their cause should require service on my own element, which would, of course, be coincident with the outbreak of regular hostilities on the land.

He read the signs aright. Three months later the shot was fired at Lexington and the whole country was ablaze with war.

On land the colonies were well prepared for the struggle. It was possible to organize at once armies of men trained to the use of arms. War offensive and defensive was at once undertaken and large expeditions set out for the invasion of Canada. In the intercolonial wars experienced generals had been developed who were well qualified to command.

On the sea the colonies were absolutely helpless. They had nearly a thousand miles of coast line and not a single ship with which to defend it. The commerce of the colonies had already assumed considerable proportions. It was threatened with complete destruction. The colonial wars had not developed naval commanders or naval constructors. The opportunity for which John Paul Jones had waited was here. The career for which he had prepared himself was open.

He at once tendered his services to the Continental Congress. Before Congress had time to accept his tender of service, and before the battle of Bunker Hill was fought, he had commenced the work of naval preparation. He heard that two French frigates had put in at Hampton Roads. He at once loaded his sloop with the delicacies of the season from his own plantation and, sailing out to the French vessels, presented the provisions to the French officers with the compliments of the Virginia planters. In this way he gained access to the ships and received permission to obtain information and make drawings of the plan—the hull, arrangement of battery, and other technical particulars of the larger vessel. His complete mastery of the French language and his charming personality so pleased the French officers that they permitted him to remain for three days on the ship and to obtain the most complete data. He informed them that he wanted the information for the guidance of the marine department of the new Government, which he assured them would be formed within the next two months and which would fight it out with England to the bitter end. The information thus obtained by Jones was utilized, and twelve months later the American frigate *Alliance* was built on exactly the same lines and mounted the same battery as the vessel whose plans he obtained.

Three days before the battle of Bunker Hill the Continental Congress appointed a naval committee. At the first session of

this committee the chairman was authorized to invite John Paul Jones, of Virginia, master mariner, to lay before the committee such information as might be useful in assisting the committee to discharge its labors. He at once repaired to Philadelphia and entered upon the career which was to emblazon forever his name in the naval history of the world.

No more important task was ever confided to any man. He was not yet 28 years old, but he was called upon to build, equip, and organize, in time of war, a navy able to hold in check the powerful armada of one of the oldest commercial nations in the world. The preliminary work was most important. There was no other man in any of the colonies so able to undertake the work, and perhaps in the navies of Europe it would have been impossible to have found an officer so well qualified to undertake the difficult task presented now to this young Virginia planter. He was requested to report on two general subjects: First, "The proper qualifications of naval officers," and, second, "The kind or kinds of armed vessels most desirable for the service of the United Colonies, keeping in view the limited resources of the Congress." He entered upon his work with energy and enthusiasm. He was requested to report also upon naval personnel and material. His reports were soon ready and were laid before the committee without a word of revision.

A hundred and thirty summers have come and gone since then. The navy founded by John Paul Jones will soon, even in this era of great navies, become the most powerful in the world. The great state papers of the early years of the American Republic have been carefully preserved in our histories and the principles enunciated therein have been taught to our children. The report made by John Paul Jones on this occasion has apparently been forgotten, but upon it a navy was built and organized and operated even to this day. In this present year, in the time of our naval supremacy, when so much depends upon sea power; at this time, when there seems to be a disposition to do justice to the memory of this great man, it ought to be possible to assign to this report its proper place among the greatest of our public documents. It might be interesting at this time to read portions of it. It commences with this prophetic statement:

As this is to be the foundation, or, I might say, the first keel timber of a new navy, which all patriots must hope shall become among the foremost in the world, it should be well begun in the selection of the first list of officers. You will pardon me, I know, if I say that I have enjoyed much opportunity during my sea life to observe the duties and responsibilities that are put upon naval officers.

It is by no means enough that an officer of the Navy should be a capable mariner. He must be that, of course, but also a great deal more.

He then proceeds to define the qualifications of a naval officer—and we have been educating naval officers along the lines laid down by John Paul Jones for nearly a hundred years. The report concludes as follows:

You are called upon to found a new navy; to lay the foundation of a new power afloat that must sometime, in the course of human events, become formidable enough to dispute even with England the mastery of the ocean. Neither you or I may live to see such growth. But we are here at the planting of the tree, and maybe some of us must, in the course of destiny, water its feeble and struggling roots with our blood. If so, let it be so! We can not help it. We must do the best we can with what we have at hand.

With reference to this report George Washington said after he had read it:

Mr. Jones is clearly not only a master mariner within the scope of the art of navigation, but he also holds a strong and powerful sense of the political and military weight of command at sea. His powers of usefulness are great and must be constantly kept in view.

In the building of the new Navy John Paul Jones was the guiding spirit, and his suggestions were carefully carried out in the minutest particulars. The new vessels were built under his supervision and upon plans suggested by him. A few old merchant vessels were purchased and turned over to Jones to be converted into serviceable armed vessels, and these ships comprised the nucleus of the new Navy, which was destined to grow and increase in power and strength until the expectations of Jones were realized, and to-day we are ready to contend, if necessary, with any of the Old World powers for the mastery of the seas.

In December, 1775, when the building of the new Navy was well under way, Paul Jones was given his first commission. He at once repaired to the *Alfred*, to which ship he had been assigned, accompanied by Thomas Jefferson, Robert Morris, Charles Carroll, and others of almost equal prominence, and with his own hand flung out from the masthead of our first man-of-war the first American flag ever displayed upon the seas. This was the "Pine tree and rattlesnake" emblem, with the motto, "Don't tread on me." Afterwards, in his journal, Jones writes:

I always abhorred this device and was glad when it was discarded for one much more symmetrical, as well as appropriate, a year and a half later.

On the 14th of June, 1777, Congress passed this resolution:

Resolved, That the flag of the thirteen United States of America be thirteen stripes, alternate red and white; that the union be thirteen stars in a blue field representing a new constellation.

Resolved, That Captain John Paul Jones be appointed to command the ship *Ranger*.

Thus John Paul Jones became not only the father of the American Navy, but his name will always be inseparably connected with the origin of our national emblem. He accepted this resolution as a distinction beyond his wildest dreams and was accustomed to say:

That flag and I are twins, born the same hour from the same womb of destiny. We can not be parted in life or in death. So long as we can float, we shall float together. If we must sink, we shall go down as one!

A few days afterwards, on the first anniversary of the Declaration of Independence, Jones displayed the new emblem from the masthead of the *Ranger* and sailed for France. In the following February he sailed through the "Grand French Fleet" in Brest Roads and received the first salute ever offered by the guns of a foreign fleet to the Stars and Stripes.

It is not my purpose to recount the splendid achievements of our first American admiral. It is said that republics are ungrateful. I believe this Republic has been ungrateful only in its failure to properly recognize the services and honor the memory of this great knight of the sea. He accomplished upon the ocean what George Washington accomplished upon the land. Most of our histories barely mention his name. You must hunt in out of the way places for the real story of John Paul Jones.

During the Revolution he fought twenty-three battles at sea and was never vanquished. Seven times he made victorious descents upon Great Britain and her colonies. He captured many ships—two of them of equal force with his own and two of them of far superior force. He compelled Great Britain to fortify all her ports and forced her to desist from pillaging and burning in America and to exchange as prisoners of war Americans who had been confined in prisons as "traitors, pirates, and felons."

The war had been in progress for nearly five years. The superior resources of the British were beginning to tell. Defeats did not discourage the Americans, but the continental currency was constantly depreciating in value. The war was being carried on under circumstances of great discouragement. The unequal contest seemed about to terminate in favor of the stronger nation. But at this time there came the news of a splendid victory for the Americans on the seas. It spread with great rapidity through the colonies. The worn-out, poorly clad, discouraged soldiers of Washington's army gathered in little groups about their camp fires and thrilled with patriotic pride as they listened to the story of the greatest sea fight in history as it came to them in the official reports of the great Franklin at Paris.

The victory of Jones and the *Bon Homme Richard* in the British Channel brought back courage to the men who were fighting for liberty. It gave to the American cause an impetus which carried it over the surrender of Charleston—beyond the crushing defeat at Camden! It enabled it to survive the shame of Arnold's treason. It remained a source of inspiration for American soldiers and sailors until the surrender at Yorktown and the long war was over. Many decades have come and gone. We have long since taken our place as a world power. The Navy founded by Paul Jones has attained the proportions and prestige he predicted for it. We look back over a brilliant series of naval victories—some of the greatest of them in the immediate past—but the story which most thrills an American heart is the story of the great sea fight which occurred one hundred and twenty-seven years ago under the white cliffs of old England.

It was late in September, 1779. The great Baltic fleet from London and New Castle had at last set sail—thirty days behind time. British merchants were in a state of terror—the war had been brought home to them. The ever-victorious Paul Jones was sailing around the British Isles—terrifying seaports—capturing every day the merchant vessels of England. But at last two ships of the line had been provided, and under their protection the Baltic fleet sailed. Under the guns of the *Sarapis* they felt safe. In all the navy of Great Britain there was only one stronger ship, but she was at that time 3,000 miles away in American waters. As the Baltic fleet sailed along the coast of England, there came down from the north the ships under the command of John Paul Jones, and, just as the sun went down, the *Scraps* and the flagship of the American admiral engaged in awful conflict. There was hardly wind enough to stir the sails of the contending ships; and as the harvest moon rose over the arc of the North Sea, the ships were made fast together by the American commander. On the cliffs along the shore thousands of people had congregated to witness the capture of the terror of the seas.

The British crew fought within sight of the shores of England. Just behind them were the strongest fortifications in the world. All around them were the armed vessels of the strongest naval power on the globe; their ships were vastly superior to the American vessels. The Americans were fighting 3,000 miles from home and friends in a converted French merchant vessel that had once been condemned. Their commander had been proclaimed a pirate, and if he had been captured at that time he would have been at once executed. His officers were fighting with ropes around their necks.

Slowly the moon rose, shedding a flood of light on the awful scene of carnage. For nearly three hours the battle had raged. The American vessel was sinking. All the guns in one of her batteries had exploded. The terrified master at arms had released 200 British prisoners who had been confined below the decks. Her consort, under command of a traitor, who had already bargained for a place in the British navy, had discharged a broadside into the sinking ship; her hatches were crowded with the horribly mangled bodies of 227 dead men; her decks were slippery with the blood of dead and dying men; one of her officers was crying for quarter; but over it all, high up toward the stars, floated still the banner of the young Republic.

In a lull of the battle, as the full harvest moon lighted up the scene disclosing to view the awful condition of the American ship, the British commander said, "Sir, have you struck?" and John Paul Jones replied, "Sir, I have but this moment commenced to fight;" and the fight continued until from a sinking ship he stepped upon the conquered decks of the enemy's vessel. Never before in all history had a ship been captured by the vessel she had sunk—it has never happened since, and it is improbable that it will ever happen again.

All the living men on board the American ship were transferred to the captured vessel. Jones in his journal wrote with splendid eloquence: "No one was now left aboard the *Richard* but our dead. To them I gave the good old ship for their coffin, and in her they found a sublime sepulcher." At her masthead still floated the Stars and Stripes. It was the same flag that was made by the girls of Portsmouth out of slices from their best silk gowns and presented by them to Jones. It was the same flag Jones hoisted on the *Ranger* on the first anniversary of the Declaration of Independence, and it was the first flag to be saluted by the guns of a foreign power. But upon the decks of the sinking vessel lay the bodies of 250 men, who had fought to keep it flying, and the great sea knight had not the heart to take it from them. In after years he wrote:

As I had given them the good old ship for their sepulcher, I now gave to my immortal dead the flag they had so desperately defended for their winding sheet.

Three years later, when Jones visited Philadelphia, he met again one of the young ladies who had assisted in making the flag, and, by way of apology, explained to her that it had been his most ardent desire to bring home the flag with all its glories and return it to the fair hands that gave it to him. But he said:

I could not bear to strip it from the old ship in her last agony, nor could I deny to my dead on her decks, who had given their lives to keep it flying, the glory of taking it with them.

And the young lady replied:

You did right. That flag is just where we all wish it to be—flying at the bottom of the sea over the only ship that ever sunk in victory. If you had taken it from her and brought it back to us, we would hate you!

At the close of the Revolution Jones accepted employment and honors from other nations, but never without having first obtained permission from the United States Government to do so. After the war was over he was sent abroad by Congress to acquire information that might be valuable in continuing the development of the navy he had founded. In pursuance of these instructions, he accepted an important command in the Russian navy and rendered brilliant service on the Black Sea. Writing to Franklin a year before his death, and referring to his Russian service, he said:

You are sensible I did not accept the offer of Her Imperial Majesty with a view to detach myself from the service of America, but that I have done my utmost to fulfill the intention of Congress in sending me last to Europe, "to acquire the degree of knowledge which may hereafter render me more extensively useful."

He died as he had lived since he was 13 years old, an American citizen. Just before his death he summoned two notaries to his bedside and dictated his will, in which he described himself as "Mr. John Paul Jones, a citizen of the United States of America, now residing in Paris." He was buried in the old Protestant cemetery at Paris.

Immediately after his death the clouds which had been gathering over France broke, and there followed the awful period of the French Revolution. The world was thinking of other things and his place of burial was forgotten. For over a hun-

dred years his body rested in an unmarked grave. For over a hundred years he was apparently forgotten by his country.

No man ever made greater personal sacrifices. During the progress of the war his plantation was ravaged by the British—his buildings were all destroyed; his orchards cut down; his stock driven away; nothing was left but the bare ground. He visited the ruins in 1777, and turning sadly away, never returned to the scene again. The greater portion of his estate, in fact nearly all of it, consisted of certain adjudicated claims against the United States, growing out of prize money due him, which he generously refused to present for payment during his lifetime. There was due him the sum of \$50,000. This sum was paid to his heirs by the Government fifty-six years after his death.

In 1848 an effort was made to bring back his remains, but Congress could not be interested in the subject and the project failed.

As the years passed it came to be generally believed that the body had been destroyed by quicklime, and that its recovery and recognition was impossible.

In 1899 Gen. Horace Porter took up the work that had been abandoned for fifty years, and as a result of his efforts the place of burial of John Paul Jones was located.

I became convinced four years ago that through his efforts the place of burial had been definitely located, and I introduced in Congress, on November 19, 1903, a joint resolution making an appropriation for the purpose of making the necessary excavations and for the purpose of removing the body to this country.

My resolution was indorsed by the Daughters of the American Revolution in national congress assembled. Other patriotic societies followed with similar resolutions.

I did the best I could to convince the country that General Porter was entitled to substantial aid from Congress and to the cordial support and cooperation of patriotic citizens. I was satisfied that if it could be demonstrated that Jones was buried in a leaden casket the body could be recovered. After devoting considerable time to the subject, I found that everything that has ever been written about John Paul Jones is based either upon the Edinburgh life of Jones, published in 1826, or the Sherburne collection, published in New York in 1825. The Edinburgh life of Jones contained a letter from Colonel Blackden to Mrs. Taylor, a sister of John Paul Jones, which, it seemed to me, settled forever the question as to whether or not the remains were buried in a leaden casket. The following is a copy of the letter:

GREAT TICHFIELD STREET, LONDON, August 9, 1792.

MADAM: I had the honor of receiving your letter of the 3d instant, and shall answer you most readily. Your brother, Admiral Jones, was not in good health for about a year, but had not been so unwell as to keep house. For two months past he began to lose his appetite, to grow yellow, and show signs of jaundice. For this he took medicine and seemed to grow better, but about ten days before his death his legs began to swell, which increased upward, so that two days before his exit he could not button his waistcoat and had great difficulty of breathing.

I visited him every day, and, beginning to be apprehensive of his danger, desired him to settle his affairs, but this he put off until the afternoon of his death, when he was prevailed on to send for a notary and made his will. Mr. Beaupoll and myself witnessed it at about 8 o'clock in the evening and left him sitting in a chair. A few minutes after we retired he walked into his chamber and laid himself upon his face on the bedside, with his feet on the floor. After the Queen's physician arrived they went into the room and found him in that position, and upon taking him up they found he had expired.

His disorder had terminated in dropsy of the breast. His body was put in a leaden coffin on the 20th, that in case the United States, whom he had so essentially served, and with so much honor to himself, should claim his remains, they might be more easily removed. This is all, madam, that I can say concerning his illness and death.

I sent copies of this letter and copies of the reports of General Porter's investigations to many prominent American citizens in an effort to interest them in General Porter's work in this connection. Among others I wrote to Colonel Buell, of Philadelphia, calling his attention to the evidence and asking him, in the next edition of his life of John Paul Jones, to publish this evidence and revise the statement in his book, which was to the effect that, in his judgment, the remains could not be identified. I received from him the following reply written a short time before his death:

PEN AND PENCIL CLUB,

1026 Walnut Street, Philadelphia, February 7, 1904.

MY DEAR SIR: In response to your letter of the 4th instant I would say, first, that I am not descended from Paul Jones, but from one of his subordinates, Henry Gardner, of Nantucket, who was my maternal great-grandfather.

With regard to the remains of Paul Jones I would say that my own investigations are recorded on pages 365 and 366, Volume II, of the second (revised) edition of my "Life" of him.

From that you will perceive that I do not consider the discovery or identification of his remains possible.

But I will venture to offer a suggestion, which is entirely practicable, and, from my point of view, of equal historical interest.

The Academy of Fine Arts in this city has a bust of Paul Jones, by Houdon, made in Paris in 1786, and presented by Jones to his friend

Gen. William Irvine. This bust, I believe, could be acquired by Congress to be placed in Statuary Hall (the old Hall of the House) in the Capitol.

The work was pronounced by Jones himself, Jefferson, Gouverneur Morris, Lafayette, and others who knew the Commodore intimately to be a perfect likeness. In view of the impossibility of discovering the remains, it seems to me that the only practical and appropriate tribute the nation can pay to the memory of the founder of its Navy would be that of placing this original bust, molded from life, in Statuary Hall among the immortal soldiers and statesmen whom the people delight to honor in memory. Your honorable committee might, if you think well of the suggestion, send a representative to the Academy of Fine Arts to ascertain whether or not the bust of Paul Jones could be acquired by Congress for the purpose indicated.

Very truly, yours,

AUGUSTUS C. BUELL.

NOTE.—So far as I know there are no surviving relatives of Paul Jones in this country, and I have not been able to trace any in Scotland.

A. C. B.

Another edition of Buell's Life of Jones is just out. It was published after his death. It does not contain the matter I asked him to insert, but it does contain General Porter's illustrated article which recently appeared in the Century Magazine, and which tells the story of the successful search for the remains of this great naval hero.

On February 13, 1905, the matter of recovering the remains was made the subject of a special message from the President to Congress. On March 2, 1905, my resolution was reported out. It was too late then to get it through. General Porter, however, at his own expense continued the work in which he was engaged, and to his energy, enthusiasm, and patriotism is due the fact that the remains of this great man repose now in the land he loved.

My attention to the details connected with the matter satisfied me that General Porter had expended out of his own funds in carrying on the search the sum of at least \$35,000. I wrote to him advising him that I proposed to introduce a bill to reimburse him for this outlay, and received from him the following reply:

NO. 277 MADISON AVENUE, NEW YORK, December 5, 1905.

DEAR SIR: I have had the pleasure of receiving your highly esteemed letter informing me that you propose to move an appropriation by Congress to reimburse me for the sums expended in the work of recovering the body of John Paul Jones. While I deeply appreciate the extreme kindness of your intention, I feel that I must say to you what I have said to a number of Members of Congress who have been good enough to make a similar suggestion, that the search and excavations were made not in my official capacity, but as a purely personal undertaking without any intention of looking to the Government for reimbursement, and that I trust that no bill may be introduced for that purpose.

I should be much more gratified to have Congress add the amount which might be thought to be due me to the contemplated appropriation for ornamenting the crypt of the chapel at Annapolis, which is to be the permanent resting place of the illustrious dead.

Yours, very sincerely,

HORACE PORTER.

HON. HENRY T. RAINEY, M. C.

The naval appropriation bill this year carries an additional \$35,000 for this purpose, in compliance with the suggestion of General Porter. About the time of the discovery of the body reports were circulated and are still being circulated in certain quarters, to the effect that the body of Jones had been removed from Paris by his mother and buried in the churchyard of his native village in Scotland, and this story is still occasionally referred to in the American press. I at once caused it to be investigated by our consul at Glasgow, Scotland, and received from him the following report, which effectually disposes of the matter:

CONSULAR SERVICE, UNITED STATES OF AMERICA,
Glasgow, Scotland, May 15, 1905.

HON. HENRY T. RAINEY,
Carrollton, Ill., United States of America.

DEAR SIR: I received your letter of April 27, inclosing an article from the St. Paul Pioneer Press on the subject of the burying place of John Paul Jones, and note the statement therein concerning Mrs. William Preston to the effect that his body had been reinterred at Kirkbean, Scotland, etc.

I may say to you that I have been reliably informed that this story was first telegraphed from Washington to California and then used from there presumably for newspaper effect. However, I have investigated the entire matter, so far as Kirkbean is concerned, and I find that John Paul Jones was never buried there and that there never has been any tradition that he was buried there. His father, however, is buried there, and there is a headstone over the grave with this inscription:

"In memory of John Paul, senior, who died at Abigland the 24 October, 1767, universally esteemed. Erected by John Paul, junior." The fact that the father is buried there probably has given rise to the later story credited to Mrs. Preston, if there be such a woman at all, as I am very much inclined to doubt.

I reinclose the clipping, as you may desire it.

Very respectfully, yours,

S. M. TAYLOR, Consul.

All these questions are settled forever.

The last voyage of the greatest of all sea fighters is over. There is yet ringing in our ears the solemn salute to an admiral of the American Navy which welcomed him home. In the land of his selection, under the flag he loved, he sleeps well to-day. We are doing the best we can to atone for a century of neglect.

The little navy he built is out of commission; the ships he commanded are gone; but the future he predicted for America and the American Navy is here. In all parts of the pathless deep the sea birds are screaming around the flag of freedom as it floats above the decks of our great steel battle ships.

To-day, with uncovered heads, we reverently stand about the grave of this great man and join in the prayer of the chaplain just before the body was placed in the tomb:

God of our fathers, we praise Thee for the life and memory of him whose mortal remains are now to find a resting place under the flag he so loved, in the nation he did so much to create.

[Loud applause.]

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MONUMENT ON KINGS MOUNTAIN BATTLE GROUND.

MR. WEBB. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17983) providing for the erection of a monument on Kings Mountain battle ground commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$30,000 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a monument and inclosure for the same on Kings Mountain battle ground in York County, S. C., to commemorate the great victory won there on October 7, 1780, by the American forces, commanded by Col. William Campbell, John Sevier, Benjamin Cleveland, Isaac Shelby, Joseph McDowell, James Williams, and Edward Lacey, and Maj. William Candler, Joseph Winston, and William Chronicle: *Provided,* That the money appropriated as aforesaid shall be expended under the direction of the Secretary of War, and the plans, specifications, and designs for such monument and inclosure for the same, before any money so appropriated is expended, shall be first approved by the Secretary of War: *And provided further,* That no part of the sum hereby appropriated shall be so expended until the Kings Mountain Battle Ground Association of South Carolina shall secure the title to not more than 50 acres of said battle ground, said title to be approved by the Attorney-General of the United States: *And provided further,* That when said monument is erected the responsibility for the care and keeping of the same shall be and remain with the Kings Mountain Battle Ground Association of South Carolina, it being expressly understood that the United States shall have no responsibility therefor.

THE SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MEMORIAL OF THE LANDING OF THE PILGRIMS AT PROVINCETOWN, MASS.

MR. LOVERING. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4370) to appropriate the sum of \$40,000 as a part contribution toward the erection of a monument at Provincetown, Mass., in commemoration of the landing of the Pilgrims and the signing of the Mayflower compact.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$40,000, to aid in erecting a monument at Provincetown, Mass., in commemoration of the first landing of the Pilgrims on Cape Cod and the signing of the compact in the cabin of the Mayflower in the harbor of said Provincetown: *Provided,* That the said sum of \$40,000 shall not be payable until there shall have been raised and made available for the erection of said monument an additional sum of at least \$40,000: *Provided further,* That the design of said monument shall be approved by the Secretary of War, the governor of the Commonwealth of Massachusetts, and the president of the Cape Cod Pilgrims' Memorial Association; and the money for the erection of said monument shall be expended under the supervision of the Secretary of War, the governor of Massachusetts, and the president of the Cape Cod Pilgrims' Memorial Association: *And provided further,* That the responsibility for the care and keeping of said monument shall be and remain with the Cape Cod Pilgrims' Memorial Association, it being expressly understood that the United States shall have no responsibility therefor.

THE SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

STATUE IN HONOR OF THE LATE HENRY WADSWORTH LONGFELLOW.

MR. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution (S. R. 20) directing the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow.

THE SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives, the Secretary of War, and the president of the Longfellow National Memorial Association are hereby created a commission to select and prepare a site on property belonging to the

United States in the city of Washington, other than the grounds of the Capitol or Library of Congress, and erect thereon a suitable pedestal for a statue in bronze of the late Henry Wadsworth Longfellow, to be provided by the Longfellow National Memorial Association.

Sec. 2. That for the preparation of the site so selected and the erection of the pedestal the sum of \$4,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That the design for said statue shall be approved by the commission herein created.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

MONUMENT TO COMMEMORATE THE BATTLE OF PRINCETON.

Mr. WOOD of New Jersey. Mr. Speaker, I move that the rules be suspended and that the bill (S. 333) in regard to a monumental column to commemorate the battle of Princeton, and appropriating \$30,000 therefor, which I send to the Clerk's desk, be passed.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the sum of \$30,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the Princeton Battle Monument Association, under the direction of the Secretary of War, to aid in erecting and completing, on the battlefield of Princeton, in the State of New Jersey, a suitable monument: *Provided*, That no part of the sum herein appropriated shall be available until the Princeton Battle Monument Association shall have raised an additional sum of \$30,000, to be expended in the erection of said monument and in the purchase and improvement of the site: *And provided further*, That the design for said monument shall be approved by the Secretary of War: *And provided further*, That the responsibility for the care and keeping of said monument and grounds shall be and remain with the Princeton Battle Monument Association, it being expressly understood that the United States shall have no responsibility therefor.

The SPEAKER. Is a second demanded?

A second not being demanded, the question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

CONSTRUCTION OF DAMS ACROSS NAVIGABLE WATERS.

Mr. ADAMSON. Mr. Speaker, I move that the rules be suspended and that the bill (H. R. 8428) to regulate the construction of dams across navigable waters be passed.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That when, hereafter, authority is granted by Congress to any persons to construct and maintain a dam for water power or other purposes across any of the navigable waters of the United States, such dam shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and Chief of Engineers for their approval, or until they shall have approved such plans and specifications and the location of such dam and accessory works; and when the plans for any dam to be constructed under the provisions of this act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *Provided*, That in approving said plans and location such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that such persons shall construct, maintain, and operate, without expense to the United States, in connection with said dam and appurtenant works, a lock or locks, booms, sluices, or any other structures which the Secretary of War and the Chief of Engineers at any time may deem necessary in the interest of navigation, in accordance with such plans as they may approve, and also that whenever Congress shall authorize the construction of a lock, or other structures for navigation purposes, in connection with such dam, the person owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States a free use of water power for building and operating such constructions.

Sec. 2. That the right is hereby reserved to the United States to construct, maintain, and operate, in connection with any dam built under the provisions of this act, a suitable lock or locks, or any other structures for navigation purposes, and at all times to control the said dam and the level of the pool caused by said dam to such an extent as may be necessary to provide proper facilities for navigation.

Sec. 3. That the person, company, or corporation building, maintaining, or operating any dam and appurtenant works, under the provisions of this act, shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise. The persons owning or operating any such dam shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe.

Sec. 4. That all rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such rights shall, at any time, fail to comply with any of the provisions and requirements of the act, or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War.

Sec. 5. That any person who shall fail or refuse to comply with the lawful order of the Secretary of War and the Chief of Engineers, made in accordance with the provisions of this act, shall be deemed guilty of a violation of this act, and any persons who shall be guilty of a violation of this act shall be deemed guilty of a misdemeanor and, on conviction thereof shall be punished by a fine not exceeding \$5,000,

and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such dam and accessory works to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such dam and accessory works as an obstruction to navigation at the expense of the persons owning or controlling such dam, and suit for such expense may be brought in the name of the United States against such persons, and recovery had for such expense in any court of competent jurisdiction; and the removal of any structures erected or maintained in violation of the provisions of this act or the order or direction of the Secretary of War or Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the circuit court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney-General of the United States at the request of the Chief of Engineers or the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any dam under this act, the cause or question arising may be tried before the circuit court of the United States in any district in which any portion of said obstruction or dam touches.

Sec. 6. That whenever Congress shall hereafter by law authorize the construction of any dam across any of the navigable waters of the United States, and no time for the commencement and completion of such dam is named in said act, the authority thereby granted shall cease and be null and void unless the actual construction of the dam authorized in such act be commenced within one year and completed within three years from the date of the passage of such act.

Sec. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be constructed in accordance with the provisions of this act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any dam which shall have been constructed in accordance with its provisions.

Sec. 8. That the word "persons" as used in this act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations.

The SPEAKER. Is a second demanded?

A second not being demanded, the question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

UNITED STATES DISTRICT COURT FOR CHINA.

Mr. DENBY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17335) creating a United States district court for China and prescribing the jurisdiction thereof, with certain amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That a court is hereby established, to be called the United States district court for China, which shall have exclusive jurisdiction in all cases and judicial proceedings whereof jurisdiction may now be exercised by United States consuls and ministers by law and by virtue of treaties between the United States and China, except in so far as the said jurisdiction is qualified by section 2 of this act. The said court shall hold sessions at Shanghai, China, and shall also hold sessions at the cities of Canton, Tientsin, and Hankau at stated periods, the dates of such sessions at each city to be announced in such manner as the court shall direct, and a sitting of the court shall be held in each of these cities at least once annually. It shall be within the power of the judge, upon due notice to the parties in litigation, to open and hold court for the hearing of a special cause at any place permitted by the treaties, and where there is a United States consulate, when, in his judgment, it shall be required by the convenience of witnesses, or by some public interest. The place of sitting of the court shall be in the United States consulate at each of the cities, respectively.

Sec. 2. The consuls of the United States in the cities of China to which they are respectively accredited shall have the same jurisdiction as they now possess in civil cases where the sum or value of the property involved in the controversy does not exceed \$500 United States money and in criminal cases where the punishment for the offense charged can not exceed by law \$100 fine or sixty days' imprisonment, or both, and shall have power to arrest, examine, and discharge accused persons or commit them to the said court. From all final judgments of the consular court either party shall have the right of appeal to the United States district court for China: *Provided, also*, That appeal may be taken to the United States district court for China from any final judgment of the consular courts of the United States in Korea so long as the rights of extraterritoriality shall obtain in favor of the United States.

Sec. 3. That appeals shall lie from all final judgments or decrees of said district court to the United States circuit court of appeals of the ninth judicial circuit, and thence appeals and writs of error may be taken from the judgments or decrees of the said circuit court of appeals to the Supreme Court of the United States in the same class of cases as those in which appeals and writs of error are permitted to judgments of said court of appeals in cases coming from district and circuit courts of the United States. Said appeals or writs of error shall be regulated by the procedure governing appeals within the United States from the district courts to the circuit courts of appeal, and from the circuit courts of appeal to the Supreme Court of the United States, respectively, so far as the same shall be applicable; and said courts are hereby empowered to hear and determine appeals and writs of error so taken.

Sec. 4. Jurisdiction and appeals in criminal, civil, and probate matters shall in all cases, both in the consular courts in China and in the said district court, be exercised and enforced in conformity with the laws of the United States now in force in reference to the American consular courts in China. But in all such cases, when such laws are deficient in the provisions necessary to give jurisdiction or to furnish suitable remedies, the common law and the law as established by the decisions of the courts of the United States shall be applied by said court in its decisions and shall govern the same subject to the terms of any treaties between the United States and China.

Sec. 5. That the procedure of the said district court shall be in

accordance, so far as practicable, with the existing procedure prescribed for consular courts in China in accordance with section 4086 of the Revised Statutes of the United States: *Provided, however*, That the judge of the said district court of the United States in China shall have authority from time to time to modify and supplement said rules of procedure. The provisions of sections 4106 and 4107 of the Revised Statutes of the United States allowing consuls in certain cases to summon associates shall have no application to said court.

Sec. 6. There shall be a district attorney, a marshal, and a clerk of said court, with authority possessed by the corresponding officers of the district courts in the United States as far as may be consistent with the conditions of the treaties. The judge of said court and the district attorney, marshal, and clerk shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive as salary, respectively, the sums of \$8,000 per annum, \$4,000 per annum, \$3,000 per annum, and \$3,000 per annum. The judge of the said court and the district attorney shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries their necessary expenses during such sessions not to exceed \$10 per day for the judge and \$5 per day for the district attorney.

Sec. 7. The tenure of office of said judge of said court shall be fifteen years, unless sooner removed by the President for cause; the tenure of office of the other officials of the court shall be at the pleasure of the President.

Sec. 8. The marshal and the clerk of said court shall be required to furnish bond for the faithful performance of their duties, in sums and with sureties to be fixed and approved by the judge of the court. They shall each nominate deputies at Canton and Tientsin, who shall also be required to furnish bonds to the approval of the judge, and whose appointments shall be made by him. Such deputies shall receive compensation at the rate of \$5 each day the sessions of the court are held at their respective cities. The office of marshal in China now existing in pursuance of section 4111 of the Revised Statutes is hereby abolished.

Sec. 9. The tariff of fees of said officers of the court shall be the same as the tariff already fixed for the consular courts in China, subject to amendment from time to time on the recommendation of the judge, and all fees so taxed and received shall be paid into the Treasury of the United States.

The SPEAKER. Is a second demanded?

A second not being demanded, the question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

CONTROL AND REGULATION OF THE WATERS OF NIAGARA RIVER, ETC.

Mr. BURTON of Ohio. Mr. Speaker, I move to suspend the rules, agree to the amendment recommended by the Committee on Rivers and Harbors to the bill (H. R. 18024) for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, and that the bill as amended be passed.

The SPEAKER. The gentleman from Ohio moves to suspend the rules and pass the bill with an amendment, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the diversion of water from Niagara River or its tributaries, in the State of New York, is hereby prohibited, except with the consent of the Secretary of War as hereinafter authorized in section 2 of this act: *Provided*, That this prohibition shall not be interpreted as forbidding the diversion of the waters of the Great Lakes or of Niagara River for sanitary or domestic purposes, or for navigation, the amount of which may be fixed from time to time by the Congress of the United States or by the Secretary of War of the United States under its direction.

Sec. 2. That the Secretary of War is hereby authorized to grant permits for the diversion of water in the United States from said Niagara River or its tributaries for the creation of power to individuals, companies, or corporations which are now actually producing power from the waters of said river, or its tributaries, in the State of New York, or from the Erie Canal; also permits for the transmission of power from the Dominion of Canada into the United States, to companies legally authorized therefor, both for diversion and transmission, as hereinafter stated, but permits for diversion shall be issued only to the individuals, companies, or corporations as aforesaid, and only to the amount now actually in use: *Provided*, That the said Secretary, subject to the provisions of section 5 of this act, is hereby authorized to grant revocable permits, from time to time, to such individuals, companies, or corporations, or their assigns, for the diversion of additional amounts of water from the said river or its tributaries to such amount, if any, as, in connection with the amount diverted on the Canadian side, shall not injure or interfere with the navigable capacity of said river, or its integrity and proper volume as a boundary stream, or the scenic grandeur of Niagara Falls; and that the quantity of electrical power which may by permits be allowed to be transmitted from the Dominion of Canada into the United States, shall be 160,000 horsepower: *Provided further*, That the said Secretary, subject to the provisions of section 5 of this act, may issue revocable permits for the transmission of additional electrical power so generated in Canada, but in no event shall the amount included in such permits, together with the said 160,000 horsepower and the amount generated and used in Canada, exceed 350,000 horsepower: *Provided always*, That the provisions herein permitting diversions and fixing the aggregate horsepower herein permitted to be transmitted into the United States, as aforesaid, are intended as a limitation on the authority of the Secretary of War, and shall in no wise be construed as a direction to said Secretary to issue permits, and the Secretary of War shall make regulations preventing or limiting the diversion of water and the admission of electrical power as herein stated; and the permits for the transmission of electrical power issued by the Secretary of War may specify the persons, companies, or corporations by whom the same shall be transmitted, and the persons, companies, or corporations to whom the same shall be delivered.

Sec. 3. That any person, company, or corporation diverting water from the said Niagara River or its tributaries, or transmitting electrical power into the United States from Canada, except as herein stated, or violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished

by a fine not exceeding \$2,500 nor less than \$500, or by imprisonment (in the case of a natural person) not exceeding one year, or by both such punishments, in the discretion of the court. And, further, the removal of any structures or parts of structures erected in violation of this act, or any construction incidental to or used for such diversion of water or transmission of power as is herein prohibited, may be enforced by the order of any circuit court exercising jurisdiction in any district in which the same may be located, and proper proceedings to this end may be instituted under the direction of the Attorney-General of the United States.

Sec. 4. That the President of the United States is respectfully requested to open negotiations with the Government of Great Britain for the purpose of effectually providing, by suitable treaty with said Government, for such regulation and control of the waters of Niagara River and its tributaries as will preserve the scenic grandeur of Niagara Falls and of the rapids in said river.

Sec. 5. That the provisions of this act shall remain in force for three years from and after date of its passage, at the expiration of which time all permits granted hereunder by the Secretary of War shall terminate unless sooner revoked, and the Secretary of War is hereby authorized to revoke any or all permits granted by him by authority of this act, and nothing herein contained shall be held to confirm, establish, or confer any rights heretofore claimed or exercised in the diversion of water or the transmission of power.

Sec. 6. That for accomplishing the purposes detailed in this act the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated from any moneys in the Treasury not otherwise appropriated.

Sec. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded?

A second not being demanded, the question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

SHIP ISLAND HARBOR AND GULFPORT, MISS.

Mr. BOWERS. Mr. Speaker, I move to suspend the rules and pass House joint resolution 166, providing for payment for dredging the channel and anchorage basin between Ship Island Harbor and Gulfport, Miss., and for other purposes.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Whereas on the 20th day of February, A. D. 1901, a contract was entered into between Maj. W. T. Russell, Corps of Engineers, United States Army, by and in behalf of the United States of America, and Spencer S. Bullis, for dredging a channel and anchorage basin in Mississippi Sound between Ship Island Harbor and Gulfport, Miss., which contract was made in accordance with a provision of the river and harbor act of March 3, 1899, authorizing the payment of the sum of \$150,000 for securing a specified width and a depth of 19 feet in such channel and anchorage basin; and

Whereas under said contract, for several years past, the said channel and anchorage basin have been dredged to the approximate depth and width required in said contract, and the said channel is now and has been available for use by vessels drawing 19 feet of water and more: Now, therefore, be it

Resolved, etc., That the Secretary of the Treasury, or other proper officer of the United States, be, and he is hereby, authorized and directed to pay to Spencer S. Bullis, with whom said contract was made, or to his assigns or agents now authorized to receive payment as aforesaid, the contract price for dredging said channel and anchorage basin, to wit, the sum of \$150,000, being the amount heretofore appropriated by Congress and now in the Treasury for payment for the work included in said contract; and it is declared to be the intention of Congress that so much of said contract as relates to securing the depth and width of said channel and anchorage basin provided for therein shall be regarded as complied with at the date of the taking effect of this resolution: *Provided*, That the said amount shall not be paid over to the said Spencer S. Bullis, or other person or persons as aforesaid, until the person or persons, companies, or corporations owning or controlling docks, wharves, or terminals in, along, or upon said basin, or connected directly or indirectly therewith, shall execute an agreement that the charges for the use of said docks, wharves, and terminals shall be such as the Secretary of War may from time to time approve.

Sec. 2. That this resolution shall take effect and be in force from and after its passage.

The SPEAKER. Is a second demanded?

A second not being demanded, the question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

BLACK FEET RESERVATION, MONT.

Mr. DIXON of Montana. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 19681, with the amendments recommended by the committee.

The bill as amended was read, as follows:

A bill (H. R. 19681) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement.

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to immediately cause to be surveyed all of the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana.

Sec. 2. That so soon as all the lands embraced within the Blackfeet Indian Reservation shall have been surveyed the Commissioner of Indian Affairs shall cause allotments of the same to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations and may rightfully belong on said reservation. That there shall be allotted to each adult or head of family 80 acres of irrigable land and 240 acres of additional land valuable only for grazing purposes, or at the option of the allottee the entire 320 acres may be taken in land valuable only for grazing purposes, and to each person under 18 years of age one-half of such acreage, respectively; and for the irrigable lands allotted there is hereby reserved and appropriated out of the waters of the reservation sufficient to irrigate said irrigable lands, and the United

States shall and does hold said appropriation in trust as appurtenant to the land so allotted for the trust period named in the patent to be issued: *Provided*, That such reservation and trust shall only apply to such waters as may be actually and necessarily appropriated for the irrigable portions of Indian allotments within five years from the date of the approval by the Commissioner of Indian Affairs of the allotments of land made to said Indians: *And, further provided*, That, subject to the foregoing provisions, that all water rights and privileges on or connected with streams within or adjoining said reservation shall be subject to the laws of the State of Montana: *Provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved so long as needed and so long as agency, school, or religious institutions are maintained thereon for the benefit of the Indians, not exceeding 320 acres to any one religious society; also such tract or tracts of timber lands as he may deem expedient for the use and benefit of the Indians of said reservation in common; but such reserved lands, or any part thereof, may be disposed of from time to time in such manner as the said Secretary may determine.

Sec. 3. That upon the completion of said allotments the President of the United States shall appoint a commission consisting of three persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior or otherwise disposed of; said commission to be constituted as follows: One commissioner shall be a person holding tribal relations with said Indians, one a resident citizen of the State of Montana, and one a United States special Indian agent or Indian inspector of the Interior Department.

That within thirty days after their appointment said commissioners shall meet at some point within the Blackfeet Indian Reservation and organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk at a salary of not to exceed \$7 per day.

That said commissioners shall then proceed to personally inspect and classify and appraise, by the smallest legal subdivisions of 40 acres each, all of the remaining lands embraced within said reservation. In making such classification and appraisal said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land.

That said commissioners shall be paid a salary of not to exceed \$10 per day each while actually employed in the inspection and classification of said lands; such inspection and classification to be completed within nine months from the date of the organization of said commission.

Sec. 4. That when said commission shall have completed the classification and appraisal of all of said lands and the same shall have been approved by the Secretary of the Interior, the land shall be disposed of under the general provisions of the homestead, mineral, and town-site laws of the United States, except such of said lands as shall have been classified as timber lands, and except such sections 16 and 36 of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections or parts thereof is lost to the State of Montana by reason of allotment thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other lands not occupied or reserved within said reservation, not exceeding two sections in any one township, which selections shall be made prior to the opening of the lands to settlement: *Provided*, That the United States shall pay to the said Indians for the lands in said sections 16 and 36, so granted, or the lands within said reservation selected in lieu thereof, the sum of \$1.25 per acre.

Sec. 5. That the lands so classified and appraised shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars and the Philippine Insurrection, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged, but no entry shall be allowed under section 2306 of the Revised Statutes: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by said commission, which in no case shall be less than \$1.25 per acre for agricultural and grazing lands and \$5 per acre for timber lands; but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-fifth of the appraised value in cash at the time of entry and the remainder in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence, and shall have made all the required payments aforesaid, he shall be entitled to a patent for the lands entered: *Provided*, That he shall make his final proofs in accordance with the homestead laws within seven years from date of entry, and that aliens who have declared their intention to become citizens of the United States may become such entrymen, but before making final proof and receiving patent they must receive their full naturalization papers: *And provided further*, That the fees and commissions at the time of commutation or final entry shall be the same as are now provided by law where the price of land is \$1.25 per acre: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, or to make final proof within seven years from date of entry, all rights in and to the land covered by his entry shall at once cease, and any payments theretofore made shall be forfeited and the entry shall be forfeited and canceled: *Provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed by said commission, receiving credit for payments previously made.

Sec. 6. That if, after the approval of the classification and appraisal, as provided herein, there shall be found lands within the limits of the reservation under irrigation projects deemed practicable under the provisions of the act of Congress approved June 17, 1902, known as the reclamation act, said lands shall be subject to withdrawal and be disposed of under the provisions of said act, and settlers shall pay, in addition to the cost of construction and maintenance provided therein, the appraised value, as provided in this act, into the reclamation funds: *Provided, however*, If any withdrawals are made under

this provision, there shall be transferred from the reclamation fund to the credit of the Indians, within one year from the date of withdrawal, the appraised value of the lands so withdrawn: *And provided further*, That all lands hereby opened to settlement remaining undisposed of at the end of five years from the taking effect of this act shall be sold to the highest bidder for cash, at not less than \$1.25 per acre, under rules and regulations prescribed by the Secretary of the Interior; and any lands remaining unsold ten years after said lands shall have been opened to entry shall be sold to the highest bidder, for cash, without regard to the minimum limit above stated: *Provided*, That not more than — acres of land shall be sold to any one person or company.

Sec. 7. That the lands within said reservation not already previously entered, whether classified as agricultural, grazing, or timber lands, shall be subject to exploration, location, and purchase under the general provisions of the United States mineral and coal land laws, at the prices therein fixed, except that no mineral or coal exploration, location, or purchase shall be permitted upon any lands allotted to an Indian.

Sec. 8. That lands classified and returned by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior, under sealed bids to the highest bidder for cash at not less than \$5 per acre, under such rules and regulations as he may prescribe: *Provided*, That the said timber lands shall be sold in tracts not exceeding 40 acres, with preference right of purchase to actual settlers, including Indian allottees residing in the vicinity, at the highest price bid.

Sec. 9. That after deducting the expenses of the commission of classification, appraisal, and sale of lands, and such other incidental expenses as shall have been necessarily incurred, including the cost of survey of said lands, the balance realized from the proceeds of the sale of the lands in conformity with this act shall be paid into the Treasury of the United States and placed to the credit of said Indian tribe. Not exceeding one-third of the total amount thus deposited in the Treasury, together with one-third of the amount of the principal of all other funds now placed to the credit of or which is due said tribe of Indians from all sources, shall be expended from time to time by the Secretary of the Interior as he may deem advisable for the benefit of said Indians, in the construction and maintenance of irrigation ditches, the purchase of stock cattle, horses, and farming implements, and in their education and civilization. The remainder of all funds deposited in the Treasury realized from such sale of lands herein authorized, together with the remainder of all other funds now placed to the credit of or that shall hereafter become due to said tribe of Indians, shall, upon the date of the approval by the Secretary of the Interior of the allotments of land authorized by this act, be allotted in severalty to the members of the tribe, the persons entitled to share as members in such distribution to be determined by said Secretary; the funds thus allotted and apportioned shall be placed to the credit of such individuals upon the books of the United States Treasury for the benefit of such allottees, their legatees, or heirs. The President may, by Executive order, from time to time order the distribution and payment of such funds or the interest accruing therefrom to such individual members of the tribe as in his judgment would be for the best interests of such individuals to have such distribution made, under such rules and regulations as he may prescribe therefor: *Provided*, That so long as the United States shall hold the funds as trustee for any member of the tribe, the Indian beneficiary shall be paid interest thereon annually at the rate of 4 per cent per annum.

Sec. 10. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$65,000, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana and for lands reserved for agency and school purposes, at the rate of \$1.25 per acre; also the sum of \$75,000, or so much thereof as may be necessary, to enable the Secretary of the Interior to survey, classify, and appraise the lands of said reservation as provided herein, and also to defray the expense of the appraisal and survey of said town sites, the latter sums to be reimbursable out of the funds arising from the sale of said lands.

Sec. 11. That nothing in this act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections 16 and 36, or the equivalent in each township that may be granted to the State of Montana, the reserved tracts hereinbefore mentioned for agency and school purposes, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any part thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received.

Sec. 12. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks, not less than 80 acres of said land at or near the present settlements of Browning and Babb, and each of such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlements. Such town sites shall be surveyed, appraised, and disposed of as provided in section 2381 of the United States Revised Statutes: *Provided*, That any person who, at the date when the appraisers commence their work upon the land, shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lot to the date of his or her application to enter, shall be entitled to enter at any time prior to the day fixed for the public sale, and at the appraised value thereof, such lot and any one additional lot of which he or she may also be in possession and upon which he or she may have substantial and permanent improvements: *Provided further*, That before making entry of any such lot or lots, the applicant shall make proof to the satisfaction of the register and receiver of the land district in which the land lies of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proof as may be prescribed by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior: *Provided further*, That in making their appraisal of the lots so surveyed it shall be the duty of the appraisers to ascertain the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal, which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public outcry in their regular order with the other unimproved and

unoccupied lots: *Provided, however,* That no lot shall be sold for less than \$10: *And provided further,* That said lots when surveyed shall approximate 50 by 150 feet in size.

The SPEAKER. Is a second demanded?

Mr. MANN. Reserving the right to demand a second, I beg to ask what motion is made?

The SPEAKER. The motion is to suspend the rules and pass the bill.

Mr. MANN. Well, from the Clerk's reading of the bill, it is not a printed bill.

Mr. LACEY. The motion is to pass it as amended. There are a number of amendments recommended by the committee.

Mr. MANN. Reserving the right to demand a second, I will ask the gentleman from Montana whether any committee has reported upon the bill according to the motion?

Mr. DIXON of Montana. The committee on Indian Affairs reported unanimously; and the amendments are those recommended by the Commission of Indian Affairs.

Mr. MANN. Has the committee recommended the passage of the bill with amendments, and when?

Mr. DIXON of Montana. This morning.

Mr. FITZGERALD. I demand a second.

Mr. DIXON of Montana. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection to a second being considered as ordered? [After a pause.] The Chair hears none.

Mr. DIXON of Montana. I will say to the gentleman the bill is in the usual form—

Mr. FITZGERALD. There is no printed report on this bill, so that we can not find out what the facts are on the amendments which the committee recommended. I suppose the gentleman will make some explanation.

Mr. DIXON of Montana. I will say that the bill was originally—

Mr. MANN. Pardon me. Before making the explanation, will the gentleman not only explain the amendments, but how it happens, if the bill is in the usual form, it is necessary to make any amendment to the bill?

Mr. DIXON of Montana. Yes; I will explain. A bill similar to this passed the Senate as an amendment to the Indian appropriation bill. Not having been considered by the House committee, the House conferees refused to agree to it. A week or ten days ago I introduced the bill, and it was referred to the House committee, and referred by the House committee to the Secretary of the Interior, and by him to the Commissioner of Indian Affairs for his report. We did not get a meeting to report the bill until this morning, not having gotten a quorum on last Thursday. The House committee adopted the amendments offered by the Commissioner of Indian Affairs to the bill, and unanimously reported the bill to the House, but only having been reported this morning, it was impossible to have the report printed.

Mr. FITZGERALD. Did the committee adopt all the amendments suggested by the Commissioner of Indian Affairs through the Secretary of the Interior?

Mr. DIXON of Montana. They adopted all the amendments suggested by him excepting that limiting the time for the holding in trust by the Government of the water rights for the lands allotted to the Indians. The committee have put the period eight years from this date for taking out the Indian water ditches.

Mr. FITZGERALD. I did not catch what the gentleman said.

Mr. DIXON of Montana. The committee adopted every amendment suggested by the Commissioner of Indian Affairs with the exception of the limitation of time placed on the period for making the appropriations for the Indian water rights, making it five years from the date of approval of the allotments, which will make it about eight years from this time.

Mr. FITZGERALD. What time does the Commissioner of Indian Affairs recommend?

Mr. DIXON of Montana. He suggested that it be made to run with the Indian patents.

Mr. FITZGERALD. Now, as the committee did not adopt that suggestion as to the water rights, it is just possible under the bill as amended at present to appropriate the 80 acres of irrigable lands?

Mr. DIXON of Montana. There are 80 acres of irrigable lands and 240 acres of grazing lands to each adult Indian.

Mr. FITZGERALD. Is it possible that the 80 acres of irrigable lands the Indians get may lose their water rights if it is limited to the time adopted by the committee rather than the life of the patent?

Mr. DIXON of Montana. I will say to the gentleman from New York that the Senate bill did not contain that and did not make any such provision. It was my own suggestion that the

water be appropriated for them by act of Congress, and that they be given five years in which to take out their ditches.

Mr. FITZGERALD. The action of the Senate has no great weight with me in questions of this character. I understand the gentleman to say that the Commissioner of Indian Affairs recommended the water be apportioned for the life of the Indian patents, which would be twenty-five years. Now, the Committee on Indian Affairs of the House changed the time to eight years. It is upon the theory, I suppose, that within that time these Indians would have obtained sufficient funds from the sale of surplus lands to enable them to take the advantage of the appropriation of the water.

But if the lands are not disposed of within that time, and the Indians do not acquire the fund, the appropriation of the water for their benefit will be useless, and they will lose the benefits of the appropriation of the water, and the so-called "irrigable" lands will be valueless.

Mr. DIXON of Montana. Let me say to the gentleman that he labors under a misapprehension. The amendment suggested by the Indian Commissioner provided that the water appropriation should be held in trust for the full period of the patent.

Mr. FITZGERALD. That is twenty-five years.

Mr. DIXON of Montana. There was no time mentioned in it, but it appeared afterwards that it would be twenty-five years and would prevent the settlers from going in there with any feeling of security at all in making water appropriations during that full period of twenty-five years. I then went down to see the Acting Commissioner, Major Larrabee. Mr. Leupp was not here. We talked it over there in the Indian Office. Out of abundant precaution the Indian Committee put on five years more, and I will say to the gentleman that the provision has the approval of the Indian Office, as against the bill attached as a rider to the appropriation bill by the Senate.

Mr. FITZGERALD. I have had experience of some gentlemen obtaining from some subordinate a recommendation while the Commissioner happened to be out of the city. I do not charge the gentleman with bad faith in this case, but I know of some pretty bad instances where recommendations like that have come in, and this House has assented to the recommendations, only to have the Commissioner protest afterwards against what was done.

Mr. DIXON of Montana. I certainly do not want the gentleman from New York to apply that to the present conditions.

Mr. MONDELL. Will the gentleman allow me?

Mr. DIXON of Montana. Certainly.

Mr. MONDELL. As I understand it, the Indians are given five years in which to make their applications and appropriate their water.

Mr. DIXON of Montana. Five years after the reservation is opened, before any white man can come in with a prior appropriation.

Mr. MONDELL. And under the laws of Montana the Indians would then have about five years to apply the water.

Mr. DIXON of Montana. Five years ahead of any white man.

Mr. MONDELL. So that approximately the Indians have ten years—five years under their application and then five years under the laws of the State, a total of about ten years within which to irrigate the land and apply the water.

Mr. DIXON of Montana. Easily that time.

Mr. MONDELL. It seems to me, Mr. Speaker, that is a sufficient length of time, and that to delay longer would prevent the settlement of the lands which the Indians desire to dispose of, and therefore would not be in the interest of the Indians, and that it is well to have this limitation, and that this length of time is sufficiently long. It seems to me that three years would have been better.

Mr. BROOKS of Colorado. Is it not true that it is to the advantage of the Indians rather than to their disadvantage that some definite time limit be placed during which they shall appropriate the water and initiate their rights?

Mr. DIXON of Montana. Always.

Mr. BROOKS of Colorado. Is it not a reservation in the interest of the Indians rather than adverse to them, to put on this limitation?

Mr. DIXON of Montana. Certainly.

Mr. FITZGERALD. How many acres of land are there in this reservation?

Mr. DIXON of Montana. About a million and a half. I want to say further that a delegation from these Indians were here in the winter, asking that it be done. Their petition was filed, and it is with the approbation of the Indians that the reservation is to be opened.

Mr. FITZGERALD. Mr. Chairman, I simply wish to express my dissent from the passage of these bills opening reservations in this way. In a service of six years on the Committee on

Indian Affairs I had some experience with the opening of Indian reservations, and most of the members of that committee will agree that it is a very unusual thing to move to suspend the rules and pass a bill when it is impossible to obtain a copy of the report from the committee or of the report made by the Department upon the bill. It is possible to get a copy of the bill as introduced, but not as now offered to the House for passage.

Mr. DIXON of Montana. The amendments were those suggested by the Indian Office.

Mr. MANN. We ought to be able to see them.

Mr. FITZGERALD. The Members of the House are entitled at least to have an opportunity to read the amendments suggested by the committee and to read recommendations made by the Indian Office. An Indian bill passed this House this session upon the assumption that it had the approval of the Commissioner of Indian Affairs. That bill went to the President. It was brought back here. I protested against the manner in which the bill came back from the President, and the Commissioner of Indian Affairs called upon me and said that he not only had disapproved the bill, but that he had personally gone to the President and protested against its becoming a law in the form in which it was. The President referred the bill back to the Commissioner of Indian Affairs, and he called attention to certain objectionable provisions, and then the friends of the measure had a resolution passed here bringing the bill back from the President. The Commissioner of Indian Affairs, in my opinion, desires to do his duty and should be sustained by the House. Before we legislate to open any more Indian reservations the House ought to have a chance to read what the Commissioner has to say about the bills.

Mr. DIXON of Montana. He drew the bill himself.

Mr. STEPHENS of Texas. Is it not a fact that copies of these bills are in very great demand all over the country? When it is ascertained by persons wanting homes that there are to be certain reservations opened they write to Representatives and Senators here and get copies of the bill, and that is the reason why copies are not available.

Mr. FITZGERALD. This bill is not available for the simple reason that it has not been printed in the form in which the House is asked to pass it, and not because demand has been made for copies of it outside. There is a great demand in my opinion among people who desire to acquire these lands to get them upon terms very favorable to themselves and without regard to the rights of the Indians.

Mr. STEPHENS of Texas. How can they get them on terms favorable to themselves when they are thrown open to actual bidders in 160-acre lots?

Mr. FITZGERALD. Under the provisions of these bills these lands are obtained upon favorable conditions. The gentleman himself secured the passage of a bill here, supposedly approved by the Commissioner of Indian Affairs, and the President refused to sign it, and subsequently the minimum price at which the lands were to be sold was raised, I believe, from \$1.25 an acre to \$5 an acre. It is against legislation of that character that I desire to guard.

Mr. STEPHENS of Texas. I will state that the Secretary of the Interior rarely recommends the passage of any Indian reservation opening bill, for the very good reason, as I understand it, from his point of view, that he does not desire to lose any power granted to him by holding these lands in his Department, so that, in my opinion, they can be exploited by the numerous agents whom he has under him.

Mr. FITZGERALD. One moment. The gentleman can get his time from the gentleman from Montana [Mr. Dixon]. I wish to use my own time. I will say that in my experience and recollection, in a service of six years upon the Indian Committee, the only bill opening an Indian reservation, as I recall, that passed without the recommendation of the Secretary of the Interior, was the bill which the gentleman himself secured the passage of, which afterwards came back from the President. Now, as one Member of this House—I do not know that there are many who feel the same way as I do about these bills—I want to see in print the report of the Commissioner of Indian Affairs on these bills opening Indian reservations.

Mr. STEPHENS of Texas. I should like to ask the gentleman—

The SPEAKER. The time is under the control of the gentleman from Montana [Mr. Dixon].

Mr. FITZGERALD. I understood I was using my own time. I do not wish to use the gentleman's time.

Mr. STEPHENS of Texas. I wish to inquire if the gentleman from New York has ever been on an Indian reservation or ever been west of the Mississippi River?

Mr. FITZGERALD. Oh, yes; I was on one reservation where

the white people—mostly from the gentleman's own Congressional district—had \$500,000 worth of claims against the Indians.

Mr. STEPHENS of Texas. What reservation was that?

Mr. FITZGERALD. The reservation of the Osage Indians, who were farthest from civilization of any tribe in the United States.

Mr. STEPHENS of Texas. That shows how little the gentleman knows about the geography of this country. The Osage Reservation was not within 500 miles of my district.

Mr. FITZGERALD. I say it was the gentleman's own constituents, and I repeat it, who had gone in there and, as the gentleman from Oklahoma knows, had \$500,000 worth of claims against these Osage Indians that Congress had to legislate to have paid, and paid with a pretty high interest, if you want to call it that, to put them out of the way. I was on that reservation, and I was on some other reservations, and I have some slight knowledge of the subject.

These Indians happened to be the wealthiest people in the United States, worth, approximately, \$10,000 apiece. The gentleman's constituents were in a fair way to have obtained all the wealth if they had been permitted to continue.

Mr. STEPHENS of Texas. I want to say to the gentleman from New York that I have no constituents there and never had.

Mr. FITZGERALD. Mr. Speaker, how much time have I remaining—how much have I used and how much has the gentleman from Montana?

The SPEAKER. The gentleman from Montana has eight minutes remaining; the gentleman from New York has used nine minutes of the gentleman's time.

Mr. FITZGERALD. I will use three or four minutes stating my position to the House, and then the House can do as it pleases about the bill.

Mr. MARSHALL. Will the gentleman allow me an interruption?

Mr. FITZGERALD. Certainly.

Mr. MARSHALL. The gentleman has referred to certain bills in which the price of the Indian lands had to be raised in order to meet the views of the President. He says it was raised from \$1.25 to \$4 or \$5 an acre.

Mr. FITZGERALD. Five dollars an acre.

Mr. MARSHALL. I have known of one or two instances of that kind, and nearly all the lands are liable to be in the hands of the Indians at the expiration of five years, when they will be thrown on the market and sold for a song. I think it was a mistake to raise the price.

Mr. FITZGERALD. Well, I will leave that to be settled between the gentleman and the President of the United States and the Commissioner on Indian Affairs. I believe that the President acted wisely. Now, I want to call the attention of the House to the present status of this bill. It comes here with no Member able to get a copy of the report of the committee, unable to get a copy of the recommendations of any of the officials of the Indian Office, neither from the Secretary of the Interior nor the Commissioner of Indian Affairs, and no Member is able even to get a copy of the bill in the form in which the House is asked to pass it. It may be immaterial to other Members of the House that we are opening 1,500,000 acres of land, some of it containing very valuable timber, some mineral, some agricultural land that is to be classified as of the first and second class, and doing it without any information, but it is of some importance to me. The Indian Office originally recommended that the water be appropriated for the Indians for the life of their patents—twenty-five years. This land, to be of any value, must be irrigated, and yet there is a limitation of eight years fixed in the bill upon somebody else's suggestion. It was not done in the interest of the Indian, not in the interest of the Government, but in the interest of the settlers who have their eyes upon this reservation and desire to get the lands with the water rights. So far as I am concerned, Mr. Speaker, I will protest and vote against the passage of bills of this character unless I am able to obtain some definite and specific information about them.

Mr. DIXON of Montana. I want to ask the gentleman a question.

Mr. GAINES of Tennessee. I want to ask the gentleman from Montana a question. The gentleman from New York would not yield to me. How is it the bill is here without having been reported?

Mr. DIXON of Montana. The report lies on the Clerk's desk. The bill was introduced in the Senate early in the session and was put on as a rider or amendment to the Indian appropriation bill. The bill was drawn, I will say to the gentleman from New York, originally by Commissioner Leupp. The gentleman

from New York has made his speech without knowing what the conditions surrounding the bill were.

Mr. FITZGERALD. That is what I am unable to find out and is the reason of my objection.

Mr. DIXON of Montana. The gentleman, instead of letting me explain it to him, goes into a long exegesis of what has passed in regard to other bills.

Mr. GAINES of Tennessee. I want to ask the gentleman from Montana some more questions. I do not want to vote blind either for or against an Indian.

Mr. DIXON of Montana. As I say, this was introduced early in the session, and passed the Senate, but was attached as an amendment to the Indian appropriation bill. The House conferees refused to accept it, because that kind of legislation prevented the House from taking any part in it and prevented the House committee from having any say so on the legislation whatever. When the conferees refused to agree to it, I introduced the bill—practically the same bill over again—in the House, had it referred to the Indian Office, had a consultation with the Acting Commissioner, and the amendments that were read here to the bill were the amendments proposed by the Indian Office, as amended by the Committee on Indian Affairs this morning.

Mr. GAINES of Tennessee. Now, I am trying to get some questions answered which the gentleman from New York did not answer. These amendments were suggested by whom?

Mr. DIXON of Montana. By the Acting Commissioner of Indian Affairs, Mr. Larrabee, through the Secretary of the Interior.

Mr. GAINES of Tennessee. Did the committee approve the amendments?

Mr. DIXON of Montana. Unanimously, and reported it back here.

Mr. GAINES of Tennessee. When did the committee do that?

Mr. DIXON of Montana. This morning. Unfortunately there was not a quorum of the committee present last Thursday, when we could have reported it and had it printed; but there was a quorum this morning, and we had a unanimous report.

Mr. GAINES of Tennessee. And the bill was approved by the committee this morning?

Mr. DIXON of Montana. Unanimously.

Mr. GAINES of Tennessee. How did it get to the Speaker so quickly?

Mr. DIXON of Montana. Because it was reported this morning, and I offered it under suspension of the rules.

Mr. GAINES of Tennessee. Does the gentleman think it is quite fair to the Indians and to the American people, and quite fair to Congress, to bring in a bill so quickly as that to the Speaker—bringing it in for consideration before it is printed?

Mr. DIXON of Montana. The bill has been printed for over four months.

Mr. GAINES of Tennessee. I understand that; but the gentleman from New York, who is an expert on Indian deprivations—

Mr. DIXON of Montana. Now, let me explain.

Mr. GAINES of Tennessee. Is complaining that a man of his information is at a loss to know, except to vote "no," which I am going to do unless I find out something more about this; he is complaining about not having the bill and amendments to examine, so that all can read—

Mr. DIXON of Montana. How in the name of common sense could they be printed in two hours?

Mr. GAINES of Tennessee. Why, you could simply wait until to-morrow.

Mr. DIXON of Montana. To-morrow is not suspension day, and this is probably the last day of the session on which we could get the bill before the House. Ten thousand men from counties surrounding this reservation went into Canada across the boundary line last year and have taken up Canadian land, leaving land in the United States—

Mr. GAINES of Tennessee. Now, do they want to come back and take up this land which we do not know anything about?

Mr. DIXON of Montana. A committee of Blackfeet Indians came here this winter and asked that this bill be passed. I went with them to the Commissioner of Indian Affairs, and together we prepared the bill which is before you to vote on. The Indians of the Blackfoot Reservation have asked—

Mr. GAINES of Tennessee. Even if your bill has absolute merit, you certainly ought to give us a chance to read the report on it.

The SPEAKER. The Chair will be glad to know whose time is being consumed.

Mr. GAINES of Tennessee. We are consuming our own time in trying to take care of the Indians, Mr. Speaker.

The SPEAKER. Does the gentleman yield?

Mr. DIXON of Montana. I refuse to yield any more.

Mr. GAINES of Tennessee. I am very much obliged for the information you have given.

Mr. DIXON of Montana. I want to say in good faith to this House that the amendments which are put in this bill are amendments from the Indian Office.

Mr. FITZGERALD. Mr. Chairman—

The SPEAKER. Does the gentleman yield to the gentleman from New York?

Mr. DIXON of Montana. That the gentleman may ask a question.

Mr. FITZGERALD. The gentleman said the bill was originally drawn by the Indian Office.

Mr. DIXON of Montana. It was.

Mr. FITZGERALD. Then he took the bill to the Assistant Commissioner, and he suggested these amendments. Which should we pass, the bill as drawn by the Commissioner, or pass the bill with these amendments drawn in his absence?

Mr. DIXON of Montana. All right; the bill as introduced in the Senate was first drawn by Commissioner Leupp. The Senate left out some provisions the Commissioner asked for. The bill I introduced in the House—I took a copy of the Senate bill—contains the original suggestions of the Indian Office and are now incorporated in that bill after full consideration and unanimous vote by the Committee on Indian Affairs. Mr. Speaker, I ask for a vote.

Mr. FITZGERALD. I yield the balance of my time to the gentleman from Illinois [Mr. MANN].

Mr. DIXON of Montana. I reserve the balance of my time.

Mr. MANN. Mr. Speaker, I noticed when the Clerk was reading the bill that a very large portion of it was pasted in the bill. It looked to me very queer that the Clerk should be reading a bill that was pasted up. I take it that the House has the right to have a bill printed for information, at least as a general rule, before the House is called upon to vote upon it. A Member of Congress can not possibly consider the bills which are introduced before they are reported into the House. This bill is numbered 19681. Members of Congress have a right to suppose that they will have an opportunity to examine a bill after it is reported into the House and put in print before they are called upon to vote upon it. Now, I have a high regard for the Committee on Indian Affairs, and yet I am not willing, so far as I am concerned, to turn over to the Committee on Indian Affairs all of my judgment in reference to bills coming from that committee. The gentleman suggests that this bill was drawn last winter. It was introduced on May 25—

Mr. DIXON of Montana. In the Senate, I said—

Mr. MANN. Oh, well; if the bill was drawn last winter the gentleman ought to have introduced it in the House last winter; but, anyway, it is the gentleman's negligence and not ours that the bill was not before the House before, if there be any negligence in the case. We are not supposed to follow the proceedings in the Senate. Members of the House have a right to wait until bills are introduced in the House, and then they have the right further to wait until they have been acted upon by a committee and put in print. Now, I do not know whether any opportunity has been presented to examine the bill.

I have endeavored in the past to keep somewhat the track of these bills opening Indian reservations. Every one of them to me comes with a grain of suspicion. I understand the difficulties in reference to opening these lands to settlement to actual settlers. We endeavor to provide for it, and yet only last summer when out West I heard gentleman after gentleman talking about "beating the law" to obtain lands for settlement, even where they are drawing lots and selling their rights. When I came back I wrote to the Commissioner of the General Land Office and asked him how it happened these men were endeavoring to beat the law. The reply that came was very simple—that they are doing it; which, I understand, is continued by the people of the West to a very large extent.

Now, with great respect for them, I think it is the duty of the Government properly to safeguard the lands of these Indians fully in the interests of the Indians and also in the interest of the actual settlers. I do not know what is in this bill. It is impossible to tell by hearing the bill read at the Clerk's desk. There is no opportunity given to examine the bill. It was introduced on May 25, reported to the House this morning after 12 o'clock. I think the gentleman ought to be willing to let the bill lie over and receive a fair degree of attention from Members of the House. [Cries of "Vote!"]

The question was put on the motion to suspend the rules and pass the bill.

Mr. FITZGERALD. I ask for a division.

The House divided; and there were—ayes 154, noes 13.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. ARTHUR PUE GORMAN, late a Senator from the State of Maryland.

Resolved, That a committee of seventeen Senators be appointed by the Vice-President to take order for superintending the funeral of Mr. GORMAN, which will take place at his late residence Thursday, June 7, at 11 o'clock, and that the Senate will attend the same.

Resolved, That as a further mark of respect his remains be removed from his late home to the place of interment, in Oak Hill Cemetery, in charge of the Sergeant-at-Arms, attended by the committee, who shall have full power to carry these resolutions into effect; and that the necessary expenses in connection therewith be paid out of the contingent fund of the Senate.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

And that in compliance with the foregoing the Vice-President had appointed as said committee Mr. RAYNER, Mr. ALLISON, Mr. MORGAN, Mr. HALE, Mr. ALDRICH, Mr. TELLER, Mr. GALLINGER, Mr. ELKINS, Mr. MARTIN, Mr. TILMAN, Mr. CLAY, Mr. SPOONER, Mr. KEAN, Mr. BAILEY, Mr. BLACKBURN, Mr. CLARK of Montana, and Mr. OVERMAN.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, the House is about to adjourn, and I ask unanimous consent that for two hours to-morrow, immediately after the reading of the Journal, it shall be in order to make motions to suspend the rules and pass bills the same as in order to-day.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

DEATH OF HON. ARTHUR PUE GORMAN.

Mr. TALBOTT. Mr. Speaker, I offer the following resolutions.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of the Hon. ARTHUR PUE GORMAN, a Senator of the United States from the State of Maryland.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of seventeen Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The SPEAKER. The question is on agreeing to the resolutions.

The question was taken; and the resolutions were unanimously agreed to.

The SPEAKER. The Chair announces the appointment of the following committee.

The Clerk read as follows:

Mr. J. FRED C. TALBOTT, Mr. JOHN GILL, Jr.; Mr. THOMAS A. SMITH, of Maryland; Mr. SYDNEY E. MUDD, Mr. FRANK C. WACHTER, Mr. GEORGE A. PEARRE, Mr. JOHN S. WILLIAMS, Mr. LEONIDAS F. LIVINGSTON, Mr. THOMAS B. DAVIS, of West Virginia; Mr. SAMUEL M. ROBERTSON, of Louisiana; Mr. JOHN A. MOON, of Tennessee; Mr. JOHN H. STEPHENS, of Texas; Mr. C. L. BARTLETT, Mr. J. W. BABCOCK, Mr. THEODORE E. BURTON, of Ohio; Mr. JAMES M. GRIGGS, and Mr. JOHN F. RIXEY.

Mr. TALBOTT. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House now adjourn.

The motion was agreed to.

Accordingly (at 2 o'clock and 28 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Jason*, Edward Smith, master—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Sulphur River, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a draft of a concurrent resolution providing for printing certain volumes of land and pension decisions of his Department—to the Committee on Printing, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 16785) giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes, in Comanche County, Okla., reported the same with amendment, accompanied by a report (No. 4675); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3638) providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States, reported the same without amendment, accompanied by a report (No. 4676); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HINSHAW, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 2418) to enable the Indians allotted lands in severally within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes, reported the same with amendment, accompanied by a report (No. 4677); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the Senate (S. 2964) for the relief of L. S. Watson Manufacturing Company, of Leicester, Mass., reported the same without amendment, accompanied by a report (No. 4662); which said bill and report were referred to the Private Calendar.

Mr. MCGAVIN, from the Committee on Claims, to which was referred the bill of the House H. R. 18870, reported in lieu thereof a resolution (H. Res. 561) referring to the Court of Claims the papers in the case of Hans Peter Guttormsen, accompanied by a report (No. 4663); which said resolution and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the Senate (S. 1218) for the relief of Louise Powers McKee, administratrix, reported the same without amendment, accompanied by a report (No. 4664); which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 1443) for the payment of Robert D. Benedict for services rendered, reported the same without amendment, accompanied by a report (No. 4665); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 5675) for the relief of Maj. Seymour Howell, United States Army, retired, reported the same without amendment, accompanied by a report (No. 4666); which said bill and report were referred to the Private Calendar.

Mr. CLARK of Florida, from the Committee on Claims, to which was referred the bill of the Senate (S. 350) for the relief of the heirs of Joseph Sierra, deceased, reported the same without amendment, accompanied by a report (No. 4667); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6430) authorizing the Secretary of the Treasury to pay to German M. Rouse informer's fees for certain opium seizures, reported the same with amendment, accompanied by a report (No. 4668); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8685) for the relief of Charles E. Danner & Co., reported the same with amendment, accompanied by a report (No. 4669); which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 503) to reimburse James M.

McGee for expenses incurred in burial of Mary J. De Lange, reported the same without amendment, accompanied by a report (No. 4376); which said bill and report were referred to the Private Calendar.

Mr. MCGAVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 10103) to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government, reported the same without amendment, accompanied by a report (No. 4671); which said bill and report were referred to the Private Calendar.

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 19493) to reimburse Oscar Fulgham, ex-sheriff of Madison County, Ala., for judgment and costs rendered against him when acting in the service of the United States, reported the same without amendment, accompanied by a report (No. 4672); which said bill and report were referred to the Private Calendar.

Mr. MOUSER, from the Committee on Claims, to which was referred the bill of the House (H. R. 5196) to refund to A. L. Flack & Co., of Tiffin, Ohio, money paid for internal-revenue stamps lost in the mails, reported the same without amendment, accompanied by a report (No. 4673); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 19965) to provide for the purchase and distribution of a digest of reports of the Supreme Court of the United States—to the Committee on the Judiciary.

By Mr. CHANEY: A bill (H. R. 19966) for the erection of a monument to the memory of Henry Wadsworth Lawton—to the Committee on the Library.

By Mr. BROWNLOW: A joint resolution (H. J. Res. 169) for the relief of Newton A. Patterson—to the Committee on Military Affairs.

By Mr. MCGAVIN, from the Committee on Claims: A resolution (H. Res. 561) referring to the Court of Claims the bill H. R. 13870—to the Private Calendar.

By Mr. MANN: A resolution (H. Res. 562) providing for the consideration of Senate bill 88—to the Committee on Rules.

Also, a concurrent resolution (H. C. Res. 32) providing for the printing of 12,000 copies of the Journals of the Continental Congress—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CALDER: A bill (H. R. 19967) granting an increase of pension to Martin L. Ohr—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 19968) granting an increase of pension to Samuel L. Hartman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19969) granting an increase of pension to Henry K. Burger—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 19970) granting an increase of pension to Eugene Demers—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 19971) granting an increase of pension to Conrad Peaster—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 19972) for the relief of Martha A. Davis—to the Committee on War Claims.

By Mr. GRANGER: A bill (H. R. 19973) granting an increase of pension to John McDonough—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 19974) for the relief of the trustees, or successors in office, of the Pine Chapel Methodist Episcopal Church South, of Gordon County, Ga.—to the Committee on War Claims.

By Mr. LLOYD: A bill (H. R. 19975) granting an increase of pension to Permelia A. E. Gates—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 19976) granting a pension to Nelson Isbel—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 19977) for the relief of the estate of Sarah Pewitt, deceased—to the Committee on War Claims.

By Mr. PATTERSON of South Carolina: A bill (H. R. 19978) for the relief of R. A. Sisson—to the Committee on Claims.

By Mr. SCOTT: A bill (H. R. 19979) granting an increase of pension to John H. Christman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19980) granting an increase of pension to A. H. Guest—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 19981) granting an increase of pension to Ezekiel C. Ford—to the Committee on Invalid Pensions.

By Mr. SOUTHALL: A bill (H. R. 19982) for the relief of Robert Michaels—to the Committee on War Claims.

Also, a bill (H. R. 19983) for the relief of the heirs of Francis B. Anderson—to the Committee on War Claims.

By Mr. SMALL: A bill (H. R. 19984) for the relief of the estate of Peter H. Knight—to the Committee on War Claims.

PETITIONS, ETC.

By the SPEAKER: Petition of Chicago Live Stock Exchange, praying for an investigation of the meat-packing industry—to the Committee on Agriculture.

By Mr. ACHESON: Petition of Safe Deposit and Trust Company, of Pittsburgh, Pa., for H. R. 12070, relative to waterway from Chicago to St. Louis—to the Committee on Rivers and Harbors.

By Mr. ALLEN of New Jersey: Petition of Montague Grange, No. 140, for parcels-post law—to the Committee on the Post-Office and Post Roads.

Also, petition of Robert G. Brenner, Passaic Herald, for amendment to postal laws making legal all paid newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

Also, petition of Wayne Township Grange, No. 145, and Lincoln Grange, No. 136, for repeal of revenue tax on denatured alcohol—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of citizens of Maine, against Senate bill 529 (ship-subsidy bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. BUTLER of Tennessee: Papers to accompany H. R. 16411, granting an increase of pension to Newton Moore—to the Committee on Pensions.

By Mr. CHAPMAN: Petition of Trades Council of Harrisburg, Ill., for H. R. 18752 (anti-injunction bill)—to the Committee on the Judiciary.

By Mr. DAWSON: Petition of Chicago Federation of Labor, for H. R. 18752 (anti-injunction bill)—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Municipal Art Society of Baltimore, for a national advisory board of art experts—to the Committee on Ways and Means.

Also, petition of Rockford, Ill., Manufacturers and Shippers' Association, for retention in the rate bill relative to responsibility of initial carriers—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAFF: Paper to accompany bill for relief of Martha A. Davis, heirs of Robert M. Davis, and Katherine Davis, of Fulton County, Ill.—to the Committee on War Claims.

By Mr. GROSVENOR: Petitions in letter form and telegrams, protesting against the passage of the eight-hour bill, from business men residing in the following cities: Atlantic City, N. J.; Dayton, Ohio; Evansville, Ind.; Alexandria, Ind.; Syracuse, N. Y.; St. Louis, Mo.; Suffolk, Va.; Cleveland, Ohio; Springfield, Mass.; Allegheny, Pa.; Boston, Mass.; Trenton, N. J.; New York, N. Y.; Reading, Pa.; Worcester, Mass.; Philadelphia, Pa.; Coatesville, Pa.; New Britain, Conn.; South Bend, Ind.; Ensley, Ala.; Minneapolis, Minn.; Racine, Wis.; Waukesha, Wis.; Fremont, Ohio; Oneida, N. Y.; Charlotte, N. C.; Parkersburg, W. Va.; Toledo, Ohio; Greenville, S. C.; Bellevue, Ohio; Batavia, N. Y.; Grand Crossing, Ill.; Hamilton, Ohio; Moline, Ill.; Lockport, N. Y.; Norfolk, Va.; Leontonia, Ohio; Indianapolis, Ind.; Milwaukee, Wis.; North Tona-wanda, N. Y.; Beaver Falls, Pa.; West Lynn, Mass.; Riegelsville, N. J.; Scranton, Pa.; Fort Madison, Iowa; Fond du Lac, Wis.; Geneva, N. Y.; Phillipsburg, N. J.; Baltimore, Md.; Harrisburg, Pa.; Lebanon, Pa.; Plainfield, N. J.; Elmira, N. Y.; Woonsocket, R. I.; Niles, Ohio; Lynn, Mass.; Cincinnati, Ohio; Detroit, Mich.; North Attleboro, Mass.; Providence, R. I.; Shelby, Ohio; Salem, Ohio; Newark, N. J.; Canton, Ohio; Pittsburg, Pa.; Utica, N. Y.; Buffalo, N. Y.; Rochester, N. Y.; Riverside, N. J.; Sandy Hill, N. Y.; Brooklyn, N. Y.; Binghamton, N. Y.; Mansfield, Ohio; Hartford, Conn.; Bethlehem, Pa.; Rome, N. Y.; Bridgeton, N. J.; Elizabethtown, Pa.; Cambridge, Mass.; South Boston, Mass.; Bristol, Conn.; Middletown, Ohio; Grand Rapids, Mich.; Wilkes Barre, Pa.;

Columbus, Ohio; Chicago, Ill.; Poughkeepsie, N. Y.; Greenfield, Ohio; Troy, N. Y.—to the Committee on Rules.

By Mr. LAMB: Paper to accompany bill for relief of Robert Michaels—to the Committee on War Claims.

By Mr. LEE: Paper to accompany bill for relief of John E. Herrod—to the Committee on War Claims.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Newton Isbell—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of estate of Sarah Pewitt, late of Williamson County, Tenn.—to the Committee on War Claims.

Also, paper to accompany bill for relief of D. M. Taylor, administrator of the estate of Sallie Roane, late of Maury County, Tenn.—to the Committee on War Claims.

Also, paper to accompany bill for relief of heirs of L. B. Frost, late of Williamson County, Tenn.—to the Committee on War Claims.

By Mr. VREELAND: Petition of 42,000 women of Federation of Women's Clubs at St. Paul, Minn., for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Wellsville, Jamestown, and Celoron, N. Y., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

SENATE.

TUESDAY, June 5, 1906.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM KANSAS.

The VICE-PRESIDENT laid before the Senate the following telegram; which was read, and ordered to lie on the table:

[Telegram.]

TOPEKA, KANS., June 4, 1906.

HON. CHARLES W. FAIRBANKS,

Vice-President of the United States, Washington, D. C.:

Hon. J. R. BURTON has this day tendered his resignation as United States Senator from Kansas, and I have accepted the same.

E. W. HOCH, Governor of Kansas.

FRENCH SPOILATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Jason*, Edward Smith, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, transmitted to the Senate the resolutions of the House on the death of Hon. ARTHUR PUE GORMAN, late a Senator from the State of Maryland.

The message also announced that the Speaker of the House had appointed Mr. J. FRED C. TALBOTT, Mr. JOHN GILL, Jr.; Mr. THOMAS A. SMITH, of Maryland; Mr. SYDNEY E. MUDD, Mr. FRANK C. WACHTER, Mr. GEORGE A. PEARRE, Mr. JOHN S. WILLIAMS, Mr. LEONIDAS F. LIVINGSTON, Mr. THOMAS B. DAVIS, of West Virginia; Mr. SAMUEL M. ROBERTSON, Mr. JOHN A. MOON, of Tennessee; Mr. JOHN H. STEPHENS, of Texas; Mr. C. L. BARTLETT, Mr. J. W. BABCOCK, Mr. THEODORE E. BURTON, of Ohio; Mr. JAMES M. GRIGGS, and Mr. JOHN F. RIXEY, members of the committee on the part of the House to attend the funeral.

The message further announced that the House had passed the following bills and joint resolution:

S. 86. An act for the erection of a monument to the memory of John Barry;

S. 685. An act for the erection of a monument to the memory of John Paul Jones; and

S. R. 20. Joint resolution providing for the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow.

The message also announced that the House had passed the following bills and joint resolution with amendments; in which it requested the concurrence of the Senate:

S. 333. An act in regard to a monumental column to the memory of the battle of Princeton and appropriating \$30,000 therefor;

S. 4370. An act to appropriate the sum of \$40,000 as a part contribution toward the erection of a monument at Provincetown, Mass., in commemoration of the landing of the Pilgrims and the signing of the *Mayflower* compact; and

S. R. 54. Joint resolution authorizing a change in the weighing of the mails in the fourth section.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 8428. An act to regulate the construction of dams across navigable waters;

H. R. 10715. An act to establish an additional collection district in the State of Texas, and for other purposes;

H. R. 17335. An act creating a United States district court for China and prescribing the jurisdiction thereof;

H. R. 17983. An act providing for the erection of a monument on Kings Mountain battle ground commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces;

H. R. 18024. An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes;

H. R. 19681. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement;

H. J. Res. 162. Joint resolution authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan, adjoining certain lands in Lake County, Ind.; and

H. J. Res. 166. Joint resolution providing for payment for dredging the channel and anchorage basin between Ship Island Harbor and Gulfport, Miss., and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 1243. An act providing for compulsory education in the District of Columbia;

S. 5561. An act to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,'" approved February 5, 1901;

H. R. 5539. An act for the relief of the State of Rhode Island;

H. R. 12064. An act to amend section 7 of an act entitled "An act to provide for a permanent census office," approved March 6, 1902;

H. R. 12135. An act granting an increase of pension to William Laudahn;

H. R. 13022. An act granting an increase of pension to Sarah L. Ghrist;

H. R. 13787. An act granting an increase of pension to Malcolm Ray;

H. R. 14513. An act to prevent the giving of false alarms of fires in the District of Columbia;

H. R. 15266. An act to amend existing laws relating to the fortification of pure sweet wines;

H. R. 15869. An act granting an increase of pension to William H. McCune;

H. R. 16484. An act to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901;

H. R. 17072. An act granting an increase of pension to Joseph French;

H. R. 17127. An act to provide for the subdivision and sale of certain lands in the State of Washington;

H. R. 17453. An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials; and

H. R. 18333. An act granting land to the city of Albuquerque for public purposes.

REGULATION OF RAILROAD RATES.

The VICE-PRESIDENT. The Chair presents the memorial of H. R. Fuller, legislative representative of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen, remonstrating against the adoption of that part of the report of the committee of conference on the railroad rate bill which prevents the issuance by common carriers of passes to railroad employees and their families.

Mr. CARTER. I ask unanimous consent that the memorial be read.

The VICE-PRESIDENT. Without objection, the Secretary will read the memorial.

Mr. LA FOLLETTE. Mr. President, I will add to the request of the Senator from Montana the request that the memorial be printed as a document.